

CHAPTERED & VETOED LEGISLATION REPORT 2002



STATE OF CALIFORNIA
Gray Davis, Governor

YOUTH AND ADULT CORRECTIONAL AGENCY

Robert Presley, Agency Secretary

DEPARTMENT OF THE YOUTH AUTHORITY

Jerry Harper, Director

2002 CHAPTERED AND VETOED LEGISLATION REPORT

This report includes information on bills that were either signed or vetoed during the second year of the 2001/2002 Legislative Session. This report is divided into two separate sections.

Section One lists all bills introduced or amended in 2002 that were signed by the Governor and chaptered by the Secretary of State. Each bill is identified by bill number, author, chapter number, subject, summary of the measure, and the Governor's signing message. Not all bills have a signing message. Unless the bill was an urgency measure, all bills signed and chaptered become effective on January 1, 2003. Urgency bills are identified.

Section Two lists all bills introduced or amended in 2002 that were vetoed by the Governor. Each bill is identified by bill number, author, chapter number, subject, summary of the measure, and the Governor's veto message.

For additional information regarding these measures please contact the Office of Legislation.

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Section One – Chaptered Bills

AB 593	AUTHOR:	Oropeza
	TITLE:	State Government
	INTRODUCED:	02/21/2001
	ENACTED:	09/28/2002
	CHAPTER:	1023

SUMMARY:

This bill makes various adjustments to the Budget to reduce expenditures by approximately \$1 billion, including: 1) requires cuts to the state bureaucracy to a total of five percent and \$750 million; 2) requires the Governor to issue an executive order to provide additional service credits for designated units in order to encourage the early retirement of state employees; 3) requires 1,000 state positions to be abolished by the end of the 2003/04 budget year; and 4) limits General Fund expenditures for the 2003/04 budget year to the amount of General Fund revenues.

AB 700	AUTHOR:	Simitian
	TITLE:	Personal Information: Privacy
	INTRODUCED:	02/22/2001
	ENACTED:	09/29/2002
	CHAPTER:	1054

SUMMARY:

This bill requires a State agency, person or business that owns or licenses computerized data that includes personal information to disclose in specified ways any breach of data security to any State resident whose unencrypted personal information is reasonably believed to have been acquired by an unauthorized person. The bill permits the required notification to be delayed if a law enforcement agency determines it would impede a criminal investigation.

AB 736	AUTHOR:	Oropeza	
	TITLE:	State: Memorandum of Understanding	
	INTRODUCED:	02/22/2001	URGENCY
	ENACTED:	09/11/2002	
	CHAPTER:	456	

SUMMARY:

This bill contains provisions approving the Memorandum of Understanding between the State and Bargaining Unit 13, Operating and Stationary Engineers. The bill provides that any Memorandum of Understanding that requires the expenditure of funds shall become effective even if the

provisions of the Memorandum of Understanding are approved by the Legislature in legislation other than the annual Budget Act.

AB 749	AUTHOR:	Calderon
	TITLE:	Workers' Compensation: Administration
	INTRODUCED:	02/22/2001
	ENACTED:	02/19/2002
	CHAPTER:	6

SUMMARY:

This bill authorizes the use of specified funds for investigation and prosecution of an employer's willful failure to secure payment of Workers' Compensation. The bill specifies the contents of various notices that are required to be posted, given to, or mailed to an employee regarding Workers' Compensation and provides procedures for the processing of claims, certain benefits, treatments and appeals under Workers' Compensation. The bill also increases the maximum monetary benefits under Workers' Compensation.

AB 857	AUTHOR:	Wiggins
	TITLE:	Infrastructure Planning: Priorities & Funding
	INTRODUCED:	02/22/2001
	ENACTED:	09/28/2002
	CHAPTER:	1016

SUMMARY:

This bill clarifies the information that is required to be included in the Governor's annual report to the Legislature concerning a 5-year infrastructure plan needed by State agencies, schools and postsecondary education institutions and a proposal for funding the needed infrastructure. The bill requires any revision to the report to ensure that the goals are consistent with State planning priorities and defines those priorities to include infill development and redevelopment.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Assembly Bill 857. I commend the authors for their dedication and commitment to the important environmental and long-term planning needs for California.

This bill establishes three specific planning priorities for the state, to be used in determining which state infrastructure projects should be financed. It further requires state agencies, when requesting such financing to state how projects would conform to these priorities. Finally, this measure requires my Office of Planning and Research (OPR) to

establish a protocol for resolving conflicts between state agencies, agency functional plans, or state infrastructure projects.

To allay concerns about the bill's balanced implementation, I am directing OPR to implement the bill's three planning priorities and their effect on the infrastructure plan in a fair and equitable manner and to do so within existing resources. I ask that OPR, with the assistance of all state agencies, prepare the 2003 Environmental Goals and Policy Report and to examine conflicts, which may exist between and within state agencies and their policies and programs.

I remain committed to seeing these important responsibilities through. Further, I am appointing members to the Planning Advisory and Assistance Council to assist my Administration in the completion of these various tasks and to ensure a comprehensive product, inclusive of local government and regional perspectives."

AB 1330	AUTHOR:	Steinberg	
	TITLE:	State Employees	
	INTRODUCED:	02/23/2001	URGENCY
	ENACTED:	07/17/2002	
	CHAPTER:	190	

SUMMARY:

This bill approves provisions that require the expenditure of funds for a Memorandum of Understanding entered into between the State employer and State Bargaining Units 14 (Printing Trades), 17 (Nurses) and 20 (Medical and Social Services), the California State Employees Association. The bill establishes various normal rates for contribution for State miscellaneous, industrial and safety members in Units 14, 17 and 20 under the Public Employees' Retirement Law.

AB 1357	AUTHOR:	Wiggins
	TITLE:	Personal Services Contracts: Compensation
	INTRODUCED:	02/23/2001
	ENACTED:	09/30/2002
	CHAPTER:	1132

SUMMARY:

This bill requires personal services contracts entered into by a State agency for certain types of workers to also include provisions for employee wages that are valued at no less than 85% of the employer cost of wages and benefits provided to State employees for performing similar duties. The bill applies only to those contracts entered into, renewed or extended on or after a certain date.

AB 1412	AUTHOR:	Wright
	TITLE:	Career Education
	INTRODUCED:	02/23/2001
	ENACTED:	09/27/2002
	CHAPTER:	988

SUMMARY:

This bill extends the time for adoption of certain model curriculum standards by the Superintendent of Public Instruction regarding high school graduation requirements and vocational education courses. The bill requires the California State University to develop a model uniform academic accreditation of their career technical education course requirements and to develop simple admission requirements.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Assembly Bill 1412, which would require the Superintendent of Public Instruction to develop, and the State Board of Education to adopt, model curriculum standards for career technical education by January 1, 2005. This bill would also require the California State University (CSU) and request the University of California (UC) to develop model academic standards and develop a process by which high schools may obtain approval of their career courses as meeting UC and CSU admissions requirements. Finally, the bill states legislative intent that school districts are not required to make changes in curriculum pursuant to this act.

I fully support encouraging school districts to improve career-technical education through development of voluntary standards and I commend the author for his work in this area. However, I am signing this bill with the understanding that the curriculum standards are to be completed and adopted using federal Perkins Vocational and Technical Education Act funds currently allocated for state administration. I do not support redirecting for state administrative purposes any federal Perkins funds available for local grants."

AB 1421	AUTHOR:	Thomson
	TITLE:	Mental Health: Involuntary Treatment
	INTRODUCED:	02/23/2001
	ENACTED:	09/28/2002
	CHAPTER:	1017

SUMMARY:

This bill enacts the Assisted Outpatient Treatment Demonstration Project Act of 2002. The bill creates an assisted outpatient treatment program for

persons who are suffering from a mental disorder and who meet certain criteria. The bill provides the program would operate in counties that choose to provide the service and the program would involve the delivery of community-based care for persons with the most severe mental illness.

AB 1448	AUTHOR:	Maddox
	TITLE:	Prevailing Wage Laws: Violations
	INTRODUCED:	02/23/2001
	ENACTED:	04/23/2002
	CHAPTER:	28

SUMMARY:

This bill provides that a prime contractor is not responsible for a violation by a subcontractor on a public works project of specified duties related to certified payroll records and overtime pay. A prime contractor would have been liable for such action when two Labor Code Sections reached their sunset date in January 2003, but this bill removes the sunset date in both sections.

AB 1559	AUTHOR:	Diaz	
	TITLE:	State Data Centers	
	INTRODUCED:	02/23/2001	URGENCY
	ENACTED:	05/20/2002	
	CHAPTER:	45	

SUMMARY:

This bill revises and recasts existing provisions that established several data centers within State government. The bill deletes the provisions requiring consultation with the Director of Information Technology in the appointment of directors for those data centers and the provisions specifying that the data centers are subject to consolidation with other information technology centers.

AB 1684	AUTHOR:	Committee on Public Employees	
	TITLE:	State: Memorandum of Understanding	
	INTRODUCED:	02/28/2001	URGENCY
	ENACTED:	05/16/2002	
	CHAPTER:	40	

SUMMARY:

This bill contains provisions approving the Memorandum of Understanding between the State and State Bargaining Unit 2, the Association of California State Attorneys and Administrative Law Judges. The bill provides any Memorandum of Understanding will become effective even

if the provisions are approved by the Legislature in legislation other than the Budget Act.

AB 1703	AUTHOR:	Steinberg
	TITLE:	Attorneys: Pro Bono Services
	INTRODUCED:	03/06/2001
	ENACTED:	07/11/2002
	CHAPTER:	137

SUMMARY:

This bill amends existing law governing the minimum number of hours of pro bono legal services contracted by a law firm with the State. The bill defines 10% of the contract as the number of hours equal to 10% of the contract amount divided by the average billing rate of the firm.

AB 1714	AUTHOR:	Canciamilla
	TITLE:	Public Resources: Prohibited Uses
	INTRODUCED:	03/07/2001
	ENACTED:	07/12/2002
	CHAPTER:	154

SUMMARY:

This bill prohibits the use of public resources for a campaign activity, or personal or other purposes that are not authorized by law, and also applies this prohibition to any elected local officer and any local appointee, employee, or consultant. The bill provides that the incidental and minimal use of public resources is not subject to criminal prosecution.

AB 1768	AUTHOR:	Oropeza
	TITLE:	State and Local Government
	INTRODUCED:	01/08/2002
	ENACTED:	09/30/2002
	CHAPTER:	1127

SUMMARY:

This bill makes technical changes necessary to implement the Budget bill, including provisions relating to the homeland security allocation of federal funds.

GOVERNOR'S SIGNING MESSAGE:

"I have signed Assembly Bill 1768, but I am deleting the provision for funding up to \$15,000,000 for the Governor's Security Advisor upon receipt of funding from federal allocations for Homeland Security. Given the uncertainty of the availability of federal funds, it is premature to require that the expenditure be limited to equipment standards placed in statute

given that the existing Public Safety Radio Strategic Planning Committee is developing a statewide solution for radio interoperability systems for all first responders. Their standards will assure that California's emergency first responders will have equipment that complies with the statewide interoperability radio standards and that this equipment, subject to federal funding, will provide badly needed equipment for all of the State's emergency personnel in the improvement of public safety.

Use of these funds should be consistent with established communication plans and systems authorized under the California Emergency Services Act including the California Emergency Plan, the California State Mutual Aid Radio System Plan, and other state and local plans providing for multi-discipline radio interoperability. This bill would unnecessarily specify a technology standard that could be overly restrictive. It is my preference that instead of being restrictive, the State in its procurements should maximize the use of business competition, thereby ensuring reasonable cost to the State and acquisition of proven, established, stable technology and equipment."

AB 1825	AUTHOR:	Nakano
	TITLE:	Leaves of Absences: Organ Donors
	INTRODUCED:	01/18/2002
	ENACTED:	09/26/2002
	CHAPTER:	869

SUMMARY:

This bill requires the appointing power of every State agency, department, board, or commission to grant a paid leave of absence of up to 30 days to employees who have exhausted all available sick leave and who are organ donors and a 5 day leave of absence with pay to employees who are bone marrow donors. The bill imposes the same employee leave requirements on the Trustees of the California State University and allows the Trustees to adopt the same leave requirements.

AB 1847	AUTHOR:	Correa
	TITLE:	Public Employees
	INTRODUCED:	01/28/2002
	ENACTED:	09/26/2002
	CHAPTER:	870

SUMMARY:

This bill provides that, for the purposes of qualification for disability retirement benefits, the development of illness due to exposure to a defined biochemical substance by certain peace officer or firefighter members is presumed to arise out of, and in the course of, employment.

The bill provides that for certain peace officers and firefighters, the term injury includes illness or death due to biochemical substance exposure.

AB 1857	AUTHOR:	Wayne
	TITLE:	Administrative Procedures
	INTRODUCED:	01/30/2002
	ENACTED:	09/06/2002
	CHAPTER:	389

SUMMARY:

This bill requires the Internet Website information for every State agency to include text of the proposed emergency adoption, amendment, or repeal of a regulation, review and filing with Office of Administrative Law. The bill requires the posting of information for at least 15 days.

AB 1858	AUTHOR:	Hollingsworth
	TITLE:	County Sexual Assault Enforcement Team
	INTRODUCED:	01/30/2002
	ENACTED:	09/29/2002
	CHAPTER:	1090

SUMMARY:

This bill allows any county to establish a Sexual Assault Felony Enforcement Team Program to identify, monitor, arrest and assist in the prosecution of habitual sexual offenders who violate probation or parole, who fail to comply with registration requirements or who commit new sexual assault offenses. The bill requires such teams to collect data on the effectiveness of such programs.

AB 1859	AUTHOR:	Papan
	TITLE:	Special Education: Suspension and Expulsion
	INTRODUCED:	01/30/2002
	ENACTED:	09/12/2002
	CHAPTER:	492

SUMMARY:

This bill revises and recasts certain provisions relating to the education of a pupil with exceptional needs by school districts, county offices of education and special education local plan areas to conform those provisions with the federal Individuals with Disabilities Education Act.

AB 1873	AUTHOR:	Koretz
	TITLE:	Peace Officers: Confidential Records
	INTRODUCED:	02/04/2002
	ENACTED:	06/21/2002

SUMMARY:

This bill recasts existing law regarding the confidentiality of peace officer personnel records. The bill provides that peace officer personnel records may not be disclosed in any civil or criminal proceeding except by discovery pursuant to specified provisions of law.

AB 1881	AUTHOR:	Pescetti
	TITLE:	Solar Energy Systems
	INTRODUCED:	02/04/2002
	ENACTED:	09/15/2002
	CHAPTER:	561

SUMMARY:

This bill requires the Department of General Services to ensure that solar energy equipment for which the primary purpose is using solar energy for heat production be installed where feasible no later than 1/1/2007. The bill requires such solar equipment to meet specified standards and be installed as part of the construction of all State buildings and parking facilities on or after 1/1/2003.

AB 1895	AUTHOR:	Wright
	TITLE:	Special Education
	INTRODUCED:	02/06/2002
	ENACTED:	09/27/2002
	CHAPTER:	944

SUMMARY:

This bill prohibits an employee of a school district, county office of education or a special education local plan area from directly or indirectly using or attempting to use official authority or influence to intimidate, threaten, or coerce a person, or attempt any of those actions, for the purpose of interfering with the right of that person to obtain services for a exceptional needs pupil.

AB 1900	AUTHOR:	Nakano
	TITLE:	Labor History Week
	INTRODUCED:	02/07/2002
	ENACTED:	09/05/2002
	CHAPTER:	366

SUMMARY:

This bill designates the first week of April to be Labor History Week and encourages school and community college districts to commemorate

that week with appropriate educational exercises that make pupils aware of the role that the labor movement has played in shaping California and the United States. The bill states the Legislature's intent that such history be considered in the next cycle in which history and social science curriculum framework are adopted.

AB 1946	AUTHOR:	Corbett
	TITLE:	Written Materials For Patients
	INTRODUCED:	02/14/2002
	ENACTED:	09/15/2002
	CHAPTER:	550

SUMMARY:

This bill requires specified printed materials that are provided to a patient by a general acute care hospital, skilled nursing, intermediate care or nursing facility or residential care facility for the elderly, to be printed in at least a 12-point font that is clear and legible. The bill requires these facilities to ask if the patient wishes specified patients' rights information to be provided to the patients' next of kin or agent under a durable power of attorney.

AB 1950	AUTHOR:	Wright
	TITLE:	State Employment: Probation
	INTRODUCED:	02/14/2002
	ENACTED:	08/26/2002
	CHAPTER:	236

SUMMARY:

This bill provides that, upon written agreement between an appointing power and an employee who alleges that he or she has a disability, and subject to approval of the agreement by the State Personnel Board, the employee's probationary period may be extended, for a period not to exceed 6 months, to allow the appointing power to provide reasonable accommodation to the employee and the employee to demonstrate he or she can perform satisfactorily.

AB 1962	AUTHOR:	Hollingsworth
	TITLE:	Electronic Communication
	INTRODUCED:	02/14/2002
	ENACTED:	09/27/2002
	CHAPTER:	945

SUMMARY:

This bill defines writing, as it pertains to evidence in court actions, specified administrative proceedings, and the California Public Records Act, to

mean handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile and every other means of recording upon any tangible thing, any form of communication or representation including letters, words, pictures, sounds, or symbols, or combination thereof.

AB 1985	AUTHOR:	Calderon
	TITLE:	Workers Compensation: Supervision
	INTRODUCED:	02/14/2002
	ENACTED:	09/26/2002
	CHAPTER:	873

SUMMARY:

This bill revises the definition of "property" and "casualty insurer" to include, among other things, Workers' Compensation insurance. The bill revises Workers' Compensation rate provisions to delete the prohibition against the use of rates that impair or threaten the solvency of an insurer and to require, instead, that rates be adequate to cover an insurer's losses and expenses.

AB 2003	AUTHOR:	Koretz
	TITLE:	Holocaust and Genocide
	INTRODUCED:	02/15/2002
	ENACTED:	09/19/2002
	CHAPTER:	702

SUMMARY:

This bill establishes a State Task Force on Holocaust, Genocide, Human Rights and Tolerance Education as an advisory body and the Center for Excellence on the Study of the Holocaust, Genocide, Human Rights and Tolerance as a pilot program at the California State University, Chico to train teachers. The bill expresses the Legislature's intent to encourage the incorporation of survivor, rescuer and liberator testimony into the teaching of human rights, genocide and the Holocaust.

AB 2018	AUTHOR:	Nakano
	TITLE:	Public Safety: Communication System
	INTRODUCED:	02/15/2002
	ENACTED:	09/29/2002
	CHAPTER:	1091

SUMMARY:

This bill creates the Public Safety Communication Act of 2002. The Act provides that the Public Safety Radio Strategic Planning Committee, which was established in 1994 and includes a representative of the

Department of the Youth Authority, has the primary responsibility for the development and implementation of a statewide integrated public safety communication system that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies, consistent with decisions and regulations of the Federal Communications Commission.

AB 2105	AUTHOR:	La Suer	
	TITLE:	DNA Collection	
	INTRODUCED:	02/19/2002	URGENCY
	ENACTED:	07/12/2002	
	CHAPTER:	160	

SUMMARY:

This bill adds persons convicted of terrorist activity in violation of offenses involving weapons of mass destruction to those offenders who are required to provide DNA samples for inclusion in the State DNA database.

AB 2195	AUTHOR:	Corbett
	TITLE:	Workplace Protections
	INTRODUCED:	02/20/2002
	ENACTED:	08/26/2002
	CHAPTER:	275

SUMMARY:

This bill provides protection to victims of sexual assault and prohibits employers from taking adverse employment action against victims of sexual assault who take time off from work to attend to issues arising as result of the domestic violence. The bill provides that employers who violate these provisions are guilty of a misdemeanor.

AB 2217	AUTHOR:	Strom Martin
	TITLE:	Education: Quality School Model
	INTRODUCED:	02/20/2002
	ENACTED:	09/28/2002
	CHAPTER:	1026

SUMMARY:

This bill establishes the California Quality Education Commission for the purpose of developing, evaluating, validating and refining a quality education model for prekindergarten through grade 12.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Assembly Bill 2217. This bill would establish the California Quality Education Commission to, among other things, develop a model

for prototype schools and provide information to the Legislature and other policy makers regarding the costs associated with developing schools most likely to produce high quality outcomes.

However, I am concerned about the fiscal impact of establishing the proposed Commission. Therefore, I am signing this bill with the expectation that the Office of the Secretary of Education, the State Board of Education, and the Department of Education will support the Commission from their existing budgets and that the members of the Commission would not be compensated or reimbursed for their participation. In addition, I encourage the Commission to utilize other available resources, including the Legislative Analyst's Office, legislative committees, the Senate Office of Research, and the California Research Bureau.

Further, given the austere financial conditions likely to be facing the State for a number of years, I expect the Commission to limit its recommendations to options that can be funded within the Proposition 98 guarantee and that also preserve current education reform programs and core local instructional resources. Finally, I am requesting that the Commission considers the effectiveness of existing programs and possible efficiencies that would help school districts focus on improving student achievement."

AB 2238	AUTHOR:	Dickerson
	TITLE:	Public Safety Officials Home Protection Act
	INTRODUCED:	02/20/2002
	ENACTED:	09/17/2002
	CHAPTER:	621

SUMMARY:

This bill prohibits any person from posting the home address or telephone number of any elected or appointed official or the official's residing spouse and child on the Internet, knowing that person is an elected or appointed official and intending or threatening to cause imminent great bodily harm. The bill adds public safety officials to the list of covered officials and makes violations leading to personal injury punishable as a misdemeanor or felony.

AB 2283	AUTHOR:	La Suer
	TITLE:	Written Report Costs
	INTRODUCED:	02/20/2002
	ENACTED:	09/05/2002
	CHAPTER:	370

SUMMARY:

This bill relates to any document or written report prepared for or under the direction of a State or local agency that is prepared in whole or in part under a contract or a subcontract by nonemployees of the agency. The bill requires, rather than permits, the disclosure of the total cost for multiple documents or written reports and requires a State or local agency to consider cost reduction options in preparing any report.

AB 2310 AUTHOR: Chu
 TITLE: High School Equivalency Certificates
 INTRODUCED: 02/21/2002
 ENACTED: 07/12/2002
 CHAPTER: 163

SUMMARY:

This bill requires that a fee for applications for the high school equivalency test be submitted when registering for the test and requires that each scoring contractor provide the Superintendent of Public Instruction with test results.

AB 2336 AUTHOR: Negrete McLeod
 TITLE: Prisoners: Hearing Notice
 INTRODUCED: 02/21/2002
 ENACTED: 06/21/2002
 CHAPTER: 65

SUMMARY:

This bill amends existing law that allows the courts to order a prisoner's temporary removal from specified institutions for court appearances relating to parental or marital rights. The bill increases the required notice for execution of the court order from 48 hours to 15 days.

AB 2388 AUTHOR: La Suer
 TITLE: Franchise Tax Board: Debt Collection
Program
 INTRODUCED: 02/21/2002
 ENACTED: 09/21/2002
 CHAPTER: 776

SUMMARY:

This bill extends the sunset date of the Franchise Tax Board court-ordered debt collection program by three years.

AB 2423 AUTHOR: Cardenas
 TITLE: Health: Exposure to Communicable Diseases

INTRODUCED: 02/21/2002
ENACTED: 09/03/2002
CHAPTER: 342

SUMMARY:

This bill relates to the exposure to communicable diseases by first responders. The bill expands the definition of "available blood or patient sample" for purposes of these and related provisions, and defines "communicable disease" to mean any disease that was transferable through the exposure incident, as determined by the certifying physician.

AB 2435 AUTHOR: Jackson
 TITLE: Victims of Crime: Services
 INTRODUCED: 02/21/2002
 ENACTED: 06/30/2002
 CHAPTER: 89

SUMMARY:

This bill requires the Secretary of the State and Consumer Services Agency to submit a report to the Legislature on crime victims services in the State.

AB 2456 AUTHOR: Jackson
 TITLE: Employment of Offenders
 INTRODUCED: 02/21/2002
 ENACTED: 07/17/2002
 CHAPTER: 196

SUMMARY:

This bill amends existing law which provides that prison inmates and persons confined in county jails, industrial farms, road camps, or city jails who have been convicted of specified offenses may not be employed so that they have access to the personal information of private individuals. The bill expands the list of specific types of personal information to which these parties are denied access by adding an array of identity-related materials.

AB 2524 AUTHOR: Goldberg
 TITLE: Civil Rights: Appeals
 INTRODUCED: 02/21/2002
 ENACTED: 08/26/2002
 CHAPTER: 244

SUMMARY:

This bill provides that if a violation of specified civil rights is alleged in any proceeding in the Supreme Court, a State Court of Appeal, or the

Appellate Division of a Superior Court, each party must serve a copy of the party's brief or petition on the Solicitor General at the Office of the Attorney General. The bill prohibits acceptance of a brief unless the proof of service shows service on the Solicitor General.

AB 2567 AUTHOR: Committee on Business and Pr
 TITLE: State Agencies: Reports: Public Contracts
 INTRODUCED: 02/21/2002
 ENACTED: 09/27/2002
 CHAPTER: 951

SUMMARY:

This bill makes technical and conforming changes related to State contracts and repeals specified State agency reporting requirements.

AB 2578 AUTHOR: Shelley
 TITLE: Contracts: Breach of Confidentiality
 INTRODUCED: 02/21/2001
 ENACTED: 09/29/2002
 CHAPTER: 1097

SUMMARY:

This bill provides a misdemeanor penalty for any contracting party who intentionally discloses any proprietary information obtained during the negotiation, execution or performance of a contract with a State agency or the Independent System Operator, when the contracting party knew or should have known that the disclosure was likely to cause harm.

AB 2659 AUTHOR: Runner
 TITLE: Fingerprinting
 INTRODUCED: 02/22/2002
 ENACTED: 09/17/2002
 CHAPTER: 623

SUMMARY:

This bill requires the Department of Justice, commencing 01/01/2004, to establish and maintain a certification program to process fingerprint-based criminal background clearances on individuals who roll applicant fingerprint impressions for licensure, certification or employment purposes. The bill requires those persons to be certified and authorizes the department to charge a fee sufficient to cover costs of the program.

AB 2709 AUTHOR: Wyland
 TITLE: Education: Curriculum
 INTRODUCED: 02/22/2002

ENACTED: 09/20/2002
CHAPTER: 739

SUMMARY:

This bill requires that social studies instruction contain instruction on World War II and the American role in that war. The bill expresses the Legislature's intent to encourage the instruction include a component drawn from personal testimony of American soldiers who were involved in the war as well as from the home-front and specifies that this instruction be carried out in a manner that does not result in any new duties or program being imposed on school districts.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Assembly Bill 2709, which encourages the use of personal testimony related to World War II and the role of the United States in that war.

World War II instruction is already part of existing academic content standards and the author's intent was simply to encourage the use of personal testimony as part of that instruction. Therefore, I am signing the bill with the understanding that the author will introduce legislation to eliminate the potential state mandate."

AB 2735 AUTHOR: Chan
 TITLE: Elder and Dependent Adult Abuse
 INTRODUCED: 02/22/2002
 ENACTED: 09/15/2002
 CHAPTER: 552

SUMMARY:

This bill expands the category of persons and entities who may receive and disclose information relevant to known or suspected abuse of an elder or dependent adult and the identity of any reporting person, to include the Office of the District Attorney, the Office of the Public Guardian and the Probate Court.

AB 2794 AUTHOR: Reyes
 TITLE: Offenders: HIV and AIDS Tests
 INTRODUCED: 02/25/2002
 ENACTED: 09/24/2002
 CHAPTER: 831

SUMMARY:

This bill: 1) expands the list of sex crimes that require or authorize a court-ordered blood test for evidence of the AIDS virus; 2) authorizes saliva tests for this purpose; and 3) makes additional technical changes.

GOVERNOR'S SIGNING MESSAGE:

"I am signing AB 2794, which will expand the type of sex crimes requiring a defendant to submit to a court-ordered test for the HIV virus, allow the court to order a saliva test rather than a blood test, and require the inmate to submit to a court-ordered HIV test within 180 days of the date of the conviction.

This bill will close a loophole in existing law and will ensure that victims of sexual assault can have the peace of mind provided by knowing the HIV status of their attacker and, if necessary, to receive early intervention. In addition, the provision allowing the testing to be done on saliva, in addition to blood, will make HIV testing on behalf of crime victims more efficient and less expensive than the current process. According to the Department of Public Health, as well as HIV experts from around the country, the oral saliva test is more expedient than, just as accurate as, and less intrusive than, testing with blood samples.

I encourage District Attorneys to request the use of saliva testing in cases where an order for HIV testing is requested, as authorized by this bill. I also encourage judges to consider ordering saliva testing rather than blood testing. Saliva testing is more cost effective and efficient method of testing for HIV, which has proven to be as reliable as blood testing. Given the State's current fiscal situation, utilizing the most cost-effective methods to provide services to the public is appropriate."

AB 2817	AUTHOR:	Maddox
	TITLE:	Sex Education: Course Content
	INTRODUCED:	02/25/2002
	ENACTED:	09/29/2002
	CHAPTER:	1099

SUMMARY:

This bill requires sex education courses to advise pupils of specified provisions of law relating to parents and others who voluntarily surrender physical custody of a minor child 72 hours old or younger at a hospital emergency room or other designated location without being subject to criminal prosecution.

AB 2868	AUTHOR:	Wright	
	TITLE:	Personal Information Reporting	
	INTRODUCED:	02/25/2002	URGENCY

ENACTED: 09/28/2002
CHAPTER: 1029

SUMMARY:

This bill amends existing provisions that require a consumer credit reporting agency to promptly and permanently block information and establish requirements for unblocking information after an allegation of identity theft. The bill excludes a consumer reporting agency that acts only as a reseller of credit information and government agencies, as specified.

AB 3000	AUTHOR:	Committee on Budget	
	TITLE:	State and Local Government	
	INTRODUCED:	03/04/2002	URGENCY
	ENACTED:	09/30/2002	
	CHAPTER:	1124	

SUMMARY:

In addition to several other provisions, this bill requires the Department of the Youth Authority to submit, by November 1, 2002, a report to the Legislature outlining a plan to close three institutions by June 30, 2007. The bill requires one institution to be closed by June 30, 2004. The bill also authorizes the Department, instead of the State Personnel Board, to conduct psychological screening of peace officer candidates, if the Department so chooses.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Assembly Bill No. 3000, which is the omnibus General Government trailer bill related to implementation of the Budget Act of 2002/03. However, I am directing the Department of Consumer Affairs, Bureau of Barbering and Cosmetology to implement this bill in a manner that maximizes security for staff and ensures the integrity of the examination process.

In addition, due to the limited resources available following significant reductions to its budget, the Legislature should anticipate a report that reflects the difficulty the Technology, Trade and Commerce Agency will encounter in redirecting personnel to perform the additional tasks required by this bill given the reductions imposed by the budget."

AB 3022	AUTHOR:	Committee on Special Committee
	TITLE:	State Agencies: Ethics Orientations
	INTRODUCED:	03/07/2002
	ENACTED:	09/18/2002
	CHAPTER:	663

SUMMARY:

This bill expands ethics training requirements to include all employees of a State Agency who are required to file statements of economic interest pursuant to the Political Reform Act of 1974. The bill requires attendance at the orientation course at least once during each consecutive period of 2 years.

AB 3040	AUTHOR:	Committee on Public Employees
	TITLE:	Retirement
	INTRODUCED:	03/12/2002
	ENACTED:	09/30/2002
	CHAPTER:	1139

SUMMARY:

This bill provides that if an incumbent member of the Public Employees' Retirement Law Board does not deliver his or her completed nomination documents to the election coordinator for reelection by the deadline, the filing deadline for otherwise eligible candidates for the seat is extended by 10 days. The bill defines pay-rate for purposes of Public Employees' Retirement Law and relates to the transfer of member contributions.

SB 222	AUTHOR:	Torlakson	
	TITLE:	State Employees	
	INTRODUCED:	02/14/2001	URGENCY
	ENACTED:	08/26/2002	
	CHAPTER:	278	

SUMMARY:

This bill reduces the contribution rate for State miscellaneous and State safety members of the Public Employees' Retirement System. The bill reduces contributions for members of State Bargaining Unit 9 (Engineers) until June 30, 2003. The bill appropriates additional funds for the augmentation of State employee compensation and approves provisions that require the expenditure of funds for specified tentative agreements between the State and Bargaining Unit 9.

SB 330	AUTHOR:	Morrow
	TITLE:	Interstate Compact: Supervision of Adults
	INTRODUCED:	02/20/2001
	ENACTED:	09/29/2002
	CHAPTER:	1078

SUMMARY:

This bill requires the Council for Interstate Adult Offender Supervision to make recommendations in regard to the implementation of the Interstate

Compact for the Supervision of Adult Offenders and the organization of certain supervisory entities pursuant to the Interstate Compact. The bill revises the selection of the commissioner representing the State on the council and the appointment of members and requires a report not later than July 1, 2005.

SB 526	AUTHOR:	Sher	
	TITLE:	Underground Storage Tanks: Discharges	
	INTRODUCED:	02/22/2001	URGENCY
	ENACTED:	05/10/2002	
	CHAPTER:	37	

SUMMARY:

This bill relates to underground storage tank discharge and closure data storage. The bill amends the Barry Keene Underground Storage Tank Cleanup Trust Fund Act to prohibit the issuance of a closure letter relative to the completion of an investigation and corrective action for an underground storage tank unless the State Water Resources Control Board, a regional water quality control board, or local agency finds that the tank is in compliance with corrective actions.

SB 648	AUTHOR:	Committee on Environmental Quality	
	TITLE:	Public Contract Preferences: Recycled Goods	
	INTRODUCED:	02/23/2001	
	ENACTED:	09/09/2002	
	CHAPTER:	408	

SUMMARY:

This bill requires procuring agencies to continuously review and revise procedures and specifications for the purchase of lubricating oil and industrial oil to eliminate any exclusion of recycled oils and any requirement that oils be manufactured from virgin materials. The bill requires the Department of General Services to revise its list of available recycled products available for use by State agencies, as needed.

SB 688	AUTHOR:	Burton	
	TITLE:	Civil Actions: Limitation of Actions	
	INTRODUCED:	02/23/2001	
	ENACTED:	09/10/2002	
	CHAPTER:	448	

SUMMARY:

This bill makes changes to the procedures and motions for summary judgment in civil actions, including increasing the notice time periods.

SB 711	AUTHOR:	Dunn	
	TITLE:	State Employees on Active Duty Benefits	
	INTRODUCED:	02/23/2001	URGENCY
	ENACTED:	02/13/2002	
	CHAPTER:	5	

SUMMARY:

This bill provides that a State employee who is a member of the California National Guard or a United States Military reserve organization shall receive for a period of not more than 180 days, as part of their compensation, the difference between the amount they would have received as a State employee and as a member on active duty and all benefits they would have received if not on active duty, for a period not to exceed 365 days from the call to active duty.

SB 728	AUTHOR:	Machado	
	TITLE:	State: Memoranda of Understanding	
	INTRODUCED:	02/23/2001	URGENCY
	ENACTED:	03/21/2002	
	CHAPTER:	14	

SUMMARY:

This bill contains provisions approving the Memorandum of Understanding between the State and State bargaining units 1 (Professional and Staff Services), 3 (Education), 4 (Office and Allied), 11 (Scientific), 15 (Allied Services), and 21 (Educational Consultant and Library), the California State Employees Association. The bill provides that any Memorandum of Understanding that require the expenditure of funds shall become effective even if the provisions of the Memorandum of Understanding are approved by the Legislature in other legislation.

SB 836	AUTHOR:	Scott	
	TITLE:	Sex Offenders	
	INTRODUCED:	02/23/2001	URGENCY
	ENACTED:	03/28/2002	
	CHAPTER:	17	

SUMMARY:

This bill makes a conforming change with respect to the legislative intent expressed in existing law requiring persons convicted of sexual offenses to register with local law enforcement.

SB 843	AUTHOR:	Perata	
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TITLE:	Omnibus Tuberculosis Control and Prevention
INTRODUCED:	02/23/2001
ENACTED:	09/21/2002
CHAPTER:	763

SUMMARY:

This bill creates the Omnibus Tuberculosis Control and Prevention Act of 2002 to require coordination between state correctional facilities and local public health officers in the treatment of parolees with active or suspected active tuberculosis (TB). The bill allows city or county health departments to certify TB skin test technicians.

SB 900	AUTHOR:	Ortiz
	TITLE:	Criminal History Information
	INTRODUCED:	02/23/2001
	ENACTED:	09/17/2002
	CHAPTER:	627

SUMMARY:

This bill consolidates much of the law regarding disclosures of criminal history information for employment, licensing and certification purposes. The bill provides special rules for persons applying for positions, licenses or certification in law enforcement, in-home care, residential care, child day care, foster care, community care, banking security devices, and others. The bill eliminates the requirement that requests for information be destroyed.

SB 937	AUTHOR:	Margett
	TITLE:	Public Contracts: Bids and Disputes
	INTRODUCED:	02/23/2001
	ENACTED:	08/13/2002
	CHAPTER:	204

SUMMARY:

This bill recasts existing provisions governing notice of bid submission deadlines under the Subletting and Subcontracting Fair Practices Act. The bill applies to State agencies and requires that post deadline bids be returned unopened. The bill applies a similar cause of action in the State Contract Act, relating to State agencies and contractors, to all contracts subject to the Public Contract Code.

SB 1045	AUTHOR:	Polanco
	TITLE:	Public Employment and Contracting
	INTRODUCED:	02/23/2001

ENACTED: 09/30/2002
CHAPTER: 1165

SUMMARY:

This bill requires each State department or agency awarding a contract or producing goods or services to collect information and report annually to the Governor and the Legislature on the participation level of minority, women, and disabled veteran-owned business enterprises in these contract and procurement activities. The bill authorizes governmental agencies to engage in activities to increase diversity in public employment and public contracting.

SB 1242 AUTHOR: Brulte
 TITLE: Specimen or Sample Collection
 INTRODUCED: 01/07/2002 URGENCY
 ENACTED: 09/18/2002
 CHAPTER: 632

SUMMARY:

This bill allows authorized law enforcement, custodial, or corrections personnel to employ reasonable force to collect blood specimens, saliva samples or thumb or palm print impressions from specified offenders who, after written or oral request, refused to provide specimens, samples or print impressions.

SB 1312 AUTHOR: Peace
 TITLE: Public Safety
 INTRODUCED: 01/23/2002
 ENACTED: 09/29/2002
 CHAPTER: 1106

SUMMARY:

This bill authorizes the distribution of up to \$15 million of federal Homeland Security funding to state and local law enforcement agencies for public radio systems. The bill authorizes the Department of Justice (DOJ) to conduct inspections of dangerous weapons permit holders and provides that such inspections must be funded through fees and from the Dealers Record of Sale Special Account (DROS), as specified.

SB 1315 AUTHOR: Sher
 TITLE: Pharmaceuticals: Purchasing
 INTRODUCED: 01/24/2002
 ENACTED: 09/12/2002
 CHAPTER: 483

SUMMARY:

This bill authorizes the Department of General Services to enter into contracts on a bid or negotiated basis with manufacturers and suppliers of single source or multi-source drugs and authorizes DGS to obtain discounts, rebates or refunds as permissible under federal law. The bill requires State Departments of Mental Health, Corrections, Youth Authority, and Developmental Services to participate in the program.

SB 1326	AUTHOR:	Committee on Local Government
	TITLE:	Local Government Omnibus Act of 2002
	INTRODUCED:	01/29/2002
	ENACTED:	09/10/2002
	CHAPTER:	454

SUMMARY:

This bill is an omnibus act to revise numerous sections of the Government Code and the Public Resources Code relating to local government. The bill includes provisions to change existing authority for lease of five acres of the lone Youth Facility from the Mother Lode Juvenile Facility Authority to the County of Amador.

SB 1338	AUTHOR:	Peace
	TITLE:	2001 Budget: Contingencies or Emergencies
	INTRODUCED:	01/30/2002
	ENACTED:	05/16/2002
	CHAPTER:	44

SUMMARY:

This bill appropriates a specified expenditure for contingencies or emergencies, as scheduled, in augmentation of certain Budget Act appropriations and authorizes the Director of Finance to withhold authorization for the expenditure of funds appropriated in the bill until preliminary estimates of potential deficiencies are verified.

SB 1339	AUTHOR:	Vasconcellos
	TITLE:	Postsecondary Education Admissions
	INTRODUCED:	01/31/2002
	ENACTED:	09/03/2002
	CHAPTER:	320

SUMMARY:

This bill requires the Superintendent of Public Instruction to advise school districts that maintain high schools about the importance of making readily available to each high school pupil the list of courses certified by the University of California as meeting admission requirements and

requires that State institutions of higher education assist school districts in this matter.

SB 1423	AUTHOR:	Chesbro
	TITLE:	Victims of Crime: Compensation
	INTRODUCED:	02/14/2002
	ENACTED:	09/30/2002
	CHAPTER:	1141

SUMMARY:

This bill re-codifies and recasts provisions relating to submission and verification of applications for benefits governed by the California Victim Compensation and Government Claims Board to revise various criteria for the application and verification process, the scope of compensation for emergency awards, procedures for hearings and provisions relating to publicizing the program. The bill expands the scope of mental health counseling services under the program.

SB 1453	AUTHOR:	Alpert
	TITLE:	Pupil Records: California STAR Data System
	INTRODUCED:	02/15/2002 URGENCY
	ENACTED:	09/27/2002
	CHAPTER:	1002

SUMMARY:

This bill requires the State Department of Education to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data on the Standardized Testing and Reporting and English Language Development tests and the high school exit examination. The bill requires the department to convene an advisory board to establish privacy and access protocol and to contract with an oversight consultant.

SB 1464	AUTHOR:	Soto
	TITLE:	Public Employees Health Care Benefits
	INTRODUCED:	02/15/2002
	ENACTED:	09/26/2002
	CHAPTER:	896

SUMMARY:

This bill increases the public employer's contribution for each employee or annuitants' health plan, effective 1/1/2004, and requires that amount to be adjusted annually to reflect any change in the medical care component Consumer Price Index.

SB 1467	AUTHOR:	Bowen
	TITLE:	Public Contracts: Conflict of Interest
	INTRODUCED:	02/19/2002
	ENACTED:	09/30/2002
	CHAPTER:	1122

SUMMARY:

This bill applies certain procurement provisions to the Trustees of the California State University, and applies specified conflict-of-interest provisions to all transactions under those provisions regulating the acquisition of information technology goods and services. The bill adds similar conflict-of-interest and remedies provisions with regard to contracting with the University of California and requires a report to the Legislature on the effect of these provisions.

SB 1471	AUTHOR:	Romero
	TITLE:	Sick Leave
	INTRODUCED:	02/19/2002
	ENACTED:	09/29/2002
	CHAPTER:	1107

SUMMARY:

This bill provides that if an employer maintains an absence control policy that counts sick leave used to attend to an illness of a child, parent, spouse or domestic partner as a basis for discipline, demotion, discharge or suspension, the policy would be a per se violation of the law, entitling an employee working under the policy to appropriate relief.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Senate Bill 1471. This bill represents a restatement, virtually verbatim, of AB 109 (Knox) that I signed in 1999. My reading is that it neither adds nor subtracts from the rights and responsibilities of employers and employees under the 1999 law. With that understanding, I am signing this measure into law."

SB 1476	AUTHOR:	O'Connell
	TITLE:	High School Exit Examination
	INTRODUCED:	02/19/2002
	ENACTED:	09/23/2002
	CHAPTER:	808

SUMMARY:

This bill provides that, with respect to the high school exit exam, language arts refers to English language arts. The bill requires a school principal to submit a request for a waiver for a pupil with a disability who has taken

the high school exit examination with modifications that alter what the test measures and has received the equivalent of a passing score.

SB 1516	AUTHOR:	Romero
	TITLE:	Public Safety Officers: Bill of Rights
	INTRODUCED:	02/20/2002
	ENACTED:	09/30/2002
	CHAPTER:	1156

SUMMARY:

This bill provides that, upon a finding by a Superior Court, any public safety department, its employees, agents, or assigns, who maliciously violates any provision of the Public Safety Officers Procedural Bill of Rights Act with the intent to injure a public safety officer, is liable to that public safety officer for a civil penalty and attorney's fees.

SB 1632	AUTHOR:	Perata
	TITLE:	Pupils: Sun Protection
	INTRODUCED:	02/21/2002
	ENACTED:	08/26/2002
	CHAPTER:	266

SUMMARY:

This bill requires every school-site to allow pupils to use sunscreen during the school day without a physician's note or prescription and authorizes school-sites to set a policy related to the use of sunscreen.

SB 1650	AUTHOR:	Alpert
	TITLE:	Youth Mentoring and Development Programs
	INTRODUCED:	02/21/2002
	ENACTED:	09/03/2002
	CHAPTER:	355

SUMMARY:

This bill makes legislative findings relative to various factors affecting youth in California, and the benefits of mentoring and other positive developmental relationships between youth and adults to address these concerns. The bill declares that it is a goal of the Legislature to give every young person in California access to a quality mentoring relationship.

SB 1655	AUTHOR:	Scott
	TITLE:	Teacher Credentialing: Administrative
	INTRODUCED:	02/21/2002
	ENACTED:	08/16/2002

SUMMARY:

This bill authorizes the Commission on Teachers Credentialing to issue preliminary and professional services credentials to persons who meet expedited alternative requirements and sets forth those requirements.

SB 1687	AUTHOR:	Margett
	TITLE:	Public Contracts: Bids: Internet
	INTRODUCED:	02/21/2002
	ENACTED:	09/06/2002
	CHAPTER:	398

SUMMARY:

This bill authorizes public entities to adopt methods and procedures to receive bids on public works or other contracts over the Internet and provides for contracting and payment by electronic transmission.

SB 1735	AUTHOR:	Karnette
	TITLE:	Victims of Crime: Domestic Violence
	INTRODUCED:	02/21/2002
	ENACTED:	09/17/2002
	CHAPTER:	629

SUMMARY:

This bill prohibits an application for a claim to the Victim Compensation and Government Claims Board based on domestic violence from being denied solely because the victim did not make a police report. The bill requires the Board to adopt guidelines that allow consideration for assistance based upon evidence other than a police report to establish that a domestic violence crime has occurred.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Senate Bill 1735 which specifies that the Victim Compensation Program benefits may not be denied solely because a victim of domestic violence did not file a police report. This bill codifies the existing practice of the Victims Compensation and Government Claims Board and provides them with the ability to establish guidelines and principles for determining what may be submitted as evidence of being a victim of a crime.

However, I am concerned with the solvency of the Victim's restitution fund and would not be willing to sign legislation next year that expands the pool of those eligible to receive restitution from the fund."

SB 1770	AUTHOR:	Burton
	TITLE:	School Districts: Cursive Handwriting
	INTRODUCED:	02/21/2002
	ENACTED:	09/12/2002
	CHAPTER:	508

SUMMARY:

This bill states that the Legislature encourages school districts to comply with the State Board of Education's English Language and Arts Writing Arts Strategies on cursive handwriting standards whereby pupils are expected to write fluidly and legibly. The bill encourages school districts to teach methods of penmanship that may include, but are not limited to, the D'Nealian Method and the Palmer Method of penmanship.

SB 1800	AUTHOR:	Johannessen
	TITLE:	Public Safety Officer Medal of Valor Act
	INTRODUCED:	02/22/2002
	ENACTED:	08/16/2002
	CHAPTER:	226

SUMMARY:

This bill enacts the Public Safety Officer Medal of Valor Act. The bill creates the Medal of Valor Review Board with a specified membership, authorizes the Governor to award a Medal of Valor to one public safety officer who is cited by the Attorney General, upon the recommendation of the Board, for extraordinary valor above and beyond the call of duty, and authorizes the Board to hold one annual hearing to help carry out its duties.

SB 1801	AUTHOR:	O'Connell
	TITLE:	Public Employees Compensation
	INTRODUCED:	02/22/2002
	ENACTED:	09/26/2002
	CHAPTER:	902

SUMMARY:

This bill authorizes the Governor to extend benefits for State employees who are members of the State National Guard or United States Military Reserve for a period not to exceed 365 days. The bill provides that past State miscellaneous service performed by a current Highway Patrol member while in training will be converted to patrol service.

SB 1818	AUTHOR:	Romero
	TITLE:	Employment Laws: Enforcement Actions
	INTRODUCED:	02/22/2002

ENACTED: 09/29/2002
CHAPTER: 1071

SUMMARY:

This bill provides that, for the purposes of enforcing State labor, employment, civil rights and employee housing laws, a person's immigration status is irrelevant to the issue of liability and no inquiry shall be permitted into a person's immigration status except when necessary to comply with federal immigration law. The bill adds similar provisions to the Civil Code, Government Code, the Labor Code and the Health and Safety Code.

SB 1835 AUTHOR: Committee on Budget and Fiscal Review
 TITLE: State Government
 INTRODUCED: 02/22/2002
 ENACTED: 10/08/2002
 CHAPTER: 1170

SUMMARY:

This bill makes various adjustments to the Budget to reduce expenditures by approximately \$1 billion, including: 1) requires cuts to the state bureaucracy to a total of five percent and \$750 million; 2) requires the Governor to issue an executive order to provide additional service credits for designated units in order to encourage the early retirement of state employees; 3) requires 1,000 state positions to be abolished by the end of the 2003/04 budget year; and 4) limits General Fund expenditures for the 2003/04 budget year to the amount of General Fund revenues. This bill became law without the Governor's signature.

SB 1867 AUTHOR: Figueroa
 TITLE: Victims of Crime: Indemnification
 INTRODUCED: 02/22/2002
 ENACTED: 09/17/2002
 CHAPTER: 630

SUMMARY:

This bill amends existing law that provides that no crime victim is eligible for assistance if the Victim Compensation and Government Claims Board determines that the victim participated in the commission of the crime. The bill requires the Board, in the case of a victim of domestic abuse or sexual assault, consider specified factors in determining whether the victim is eligible for assistance.

GOVERNOR'S SIGNING MESSAGE:

"I am signing SB 1867 which clarifies existing policies of the Victims Compensation and Government Claims Board which provide that participation and/or failure to cooperate with law enforcement are not necessarily grounds for denying assistance for victims of sexual assault or domestic violence.

I recognize that the crimes of sexual assault and domestic violence are unique in that the victims are often fearful of retribution and are reluctant to involve law enforcement. However, I am concerned with the solvency of the Victims' restitution fund and would not be willing to sign legislation next year that expands the population of those eligible to receive restitution from the fund."

SB 1868	AUTHOR:	Torlakson
	TITLE:	Physical Education
	INTRODUCED:	02/22/2002
	ENACTED:	09/30/2002
	CHAPTER:	1166

SUMMARY:

This bill amends existing education law regarding physical education testing, reporting and exemptions.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Senate Bill 1868, which would: 1) require the State Department of Education to encourage school districts to provide quality physical education; 2) restrict waivers from physical education to those students who pass the 9th grade physical performance test; 3) mandate that schools provide students with individual test results; and 4) mandate that schools report test results annually as part of the school accountability report card process.

The author has tirelessly promoted the importance of physical fitness and I commend him for his commitment to good health. However, given the recent decline in the condition of the State's General Fund, I cannot support the provisions of this bill that would mandate 9th graders who fail some portions of the test to take physical education courses for two additional years. This requirement could result in reimbursable state-mandated costs exceeding \$70 million. Nor can I support the bill's mandated reporting of individual performance results or of aggregate test results in the annual school accountability report cards.

The author indicates that the bill was not intended to create such mandates, therefore, subsequent legislation will be required to ensure that no such mandates are created. The author has assured me that such

legislation will be forthcoming, and I am signing this bill with that understanding."

SB 1914	AUTHOR:	Committee on Insurance
	TITLE:	Health
	INTRODUCED:	02/22/2002
	ENACTED:	09/12/2002
	CHAPTER:	489

SUMMARY:

This bill requires the Office of Health Insurance Portability and Accountability (HIPAA) to assume statewide leadership, coordination, direction and oversight responsibilities for determining which provisions of State law concerning personal medical information are preempted by HIPAA. The bill provides that any provision of State law concerning personal medical information is not applicable to the extent that it is superseded by HIPAA.

SB 1934	AUTHOR:	McPherson
	TITLE:	Career Technical Education
	INTRODUCED:	02/22/2002
	ENACTED:	09/27/2002
	CHAPTER:	989

SUMMARY:

This bill requires the Superintendent of Public Instruction to develop a model curriculum framework for a career technical education course and prescribes related matters. The bill encourages school districts to provide all pupils with a rigorous academic curriculum that integrates academic and career skills, incorporates applied learning in all disciplines, and includes the adoption of those standards for career and technical education.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Senate Bill 1934, which requires the State Board of Education to adopt model curriculum standards for career-technical education by June 1, 2005. Upon adoption of the standards, the Superintendent of Public Instruction shall develop a voluntary curriculum framework for career-technical education by June 1, 2006. Additionally, the bill encourages districts to provide a course of study that integrates academic and career skills, incorporates applied learning in all disciplines, and prepares all students for high school graduation and career entry. The development of both the curriculum standards and the frameworks for career-technical education would only be implemented if federal funds are available for this purpose.

I support encouraging school districts to improve career-technical education through development of voluntary frameworks, however, I am not supportive of redirecting any federal Perkins funds available for local grants to complete these frameworks. Therefore, I am signing this bill with the understanding that the curriculum frameworks are to be completed and adopted using federal Perkins Vocational and Technical Education Act funds currently allocated for state administration and leadership."

SB 1937	AUTHOR:	Costa
	TITLE:	Digital Arts Studio Partnership
	INTRODUCED:	02/22/2002
	ENACTED:	09/27/2002
	CHAPTER:	980

SUMMARY:

This bill enacts the Digital Arts Studio Partnership Demonstration Program Act and requires the Arts Council to designate three voluntary pilot digital arts studio partnerships in the State, for the purpose of providing digital media arts training to youths aged 13 to 18. The bill requires the Council to review and make recommendations on a model digital media arts curriculum.

SB 2019	AUTHOR:	Speier
	TITLE:	Health Care Practitioners: Student Loans
	INTRODUCED:	02/22/2002
	ENACTED:	09/18/2002
	CHAPTER:	683

SUMMARY:

This bill authorizes a licensing board or agency having jurisdiction over a licensee to cite and fine a licensed health care practitioner who is in default on federal loans or service obligations. The bill provides procedures for citation and fine, and provides that these fines be retained by each board and deposited into a new account.

SB 2083	AUTHOR:	Polanco
	TITLE:	English Language Learners
	INTRODUCED:	02/22/2002
	ENACTED:	09/27/2002
	CHAPTER:	1014

SUMMARY:

This bill enacts the English Learner and Immigrant Pupil Federal Conformity Act to ensure that instructional services are provided to pupils with limited

English proficiency in conformity with federal requirements that are designed to ensure that all pupils have reasonable access to educational opportunities with regard to English and other core curriculum areas of instruction.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Senate Bill 2083, which provides guidelines for implementing Title III (English Language Acquisition Program) of the new federal No Child Left Behind Act. Specifically, the bill details definitions and requirements consistent with the act for parental notification, local plans, teacher qualifications, funding for immigrant education programs, and application for and awarding of funds.

I am signing the measure with the understanding that clean-up legislation will be introduced to ensure that the bill is consistent with and neither exceeds nor revises federal requirements, and correctly references the State Board of Education, rather than the State Department of Education, as the State's lead education agency. These technical modifications are necessary to clarify the policy intent of ensuring federal compliance without inadvertently creating a state-mandated local program.

I am directing my Secretary of Education to approach an author with clean up language to be introduced next year."

SB 1 C	AUTHOR:	Peace	
	TITLE:	Budget Act of 2001	
	INTRODUCED:	01/14/2002	URGENCY
	ENACTED:	02/04/2002	
	CHAPTER:	1	

SUMMARY:

This bill amends the Budget Act of 2001 by revising various items of appropriation, authorizes the Director of Finance to revert additional amounts from specified funds to the General Fund, and provides that it is to take effect immediately as an urgency statute.

GOVERNOR'S SIGNING MESSAGE:

"I am signing Senate Bill 1xxx, which enacts the expenditure reductions contained in the Proposed Reduction in 2001/02 Spending Plan that I transmitted to you in November 2001, as amended by the Senate Budget and Fiscal Review and Assembly Budget Committees. This measure constitutes a key component for bridging the \$12.5 billion budget gap California faces by curbing current-year General Fund spending totaling over \$2 billion.

I applaud the swift action taken by both houses to enact the expenditure reductions contained in SB 1xxx. I understand the difficult policy choices we must make in addressing budget shortfalls, and I am pleased with the bipartisan cooperation that has been demonstrated over the last several months to address the current budget shortfall in a prompt manner. Your action in this regard is remarkable and historic.

I look forward to maintaining this spirit of bipartisan cooperation as we proceed to the deliberations over the 2002/03 State Budget."

SB 4 C	AUTHOR:	Peace	
	TITLE:	Budget Act of 2001	
	INTRODUCED:	01/18/2002	URGENCY
	ENACTED:	04/26/2002	
	CHAPTER:	3	

SUMMARY:

This bill disencumbers and reverts any funds from General Fund appropriations for specified projects and appropriates a set sum from the Public Building Construction Fund for these projects. The bill issues lease-revenue bonds, notes, or bond anticipation notes to finance the design or construction of these projects, and authorizes the State Public Works Board and affected State agencies and departments to obtain interim financing for project costs.

GOVERNOR'S SIGNING MESSAGE:

"Senate Bill 4 of the third extraordinary session represents joint efforts by the Administration and the Legislature to assist in bridging the budget gap by transferring projects from the General Fund to Lease Revenue Bonds. This will free up General Fund resources while maintaining much needed construction projects that will assist in stimulating the economy.

I am signing Senate Bill 4xxx, with the understanding that the appropriation for the California Conservation Corps Delta Service Center project is intended to fund acquisition, preliminary plans, working drawings and construction rather than just the acquisition phase identified in the bill. I will propose a technical change to clarify this issue during the Spring budget process through the May 1, 2002 Capital Outlay technical finance letter."

Section Two – Vetoed Bills

AB 164	AUTHOR:	Harman
	TITLE:	Special Education: Dispute Resolution
	INTRODUCED:	01/31/2001
	VETOED:	09/29/2002

SUMMARY:

This bill requires the Department of Education to establish and administer a statewide program of grant funding to support special education local plan areas in conducting alternative dispute resolution programs for resolving special education disputes. The bill requires grant recipients to perform certain services related to alternative dispute resolution and states the intent of the Legislature, subject to federal funding, to make funding available for the program.

GOVERNOR'S VETO MESSAGE:

"This bill would require the State Department of Education (SDE) to establish and administer a statewide program of grant funding to establish alternative dispute resolution (ADR) programs for special education.

Although I support establishing ways to resolve disputes, current law already allows for the non-adversarial resolution of special education issues through mediation prior to filing for due process. This bill appropriates \$300,000 to the SDE for administration of the ADR program and could result in local assistance costs between \$17.8 and \$13.1 million for three years and ongoing costs of between \$3.3 million and \$4.4 million annually. Since the proposed 2002/03 budget appropriates \$8.9 million for dispute resolution services including mediation and fair hearing services, and this bill would redirect federal funds, which are necessary to provide essential services to students with disabilities, I am unable to support this measure."

AB 363	AUTHOR:	Steinberg
	TITLE:	Attorneys
	INTRODUCED:	02/20/2001
	VETOED:	09/30/2002

SUMMARY:

This bill authorizes an attorney who learns of improper governmental activity in the course of representing a governmental organization to urge reconsideration of the matter and to refer it to a higher authority in the organization. The bill authorizes the attorney in specified circumstances to refer the matter to law enforcement or another government agency and

exempts the attorney from disciplinary action for making a referral of the matter.

GOVERNOR'S VETO MESSAGE:

"While this bill is well intended, it chips away at the attorney-client relationship which is intended to foster candor between an attorney and client. It is critical that clients know they can disclose in confidence so they can receive appropriate advice from counsel.

The effective operation of our legal system depends on the fundamental duty of confidentiality owed by lawyers to their clients. For these reasons, I must return this bill without my signature."

AB 741	AUTHOR:	Firebaugh
	TITLE:	English Learners
	INTRODUCED:	02/22/2001
	VETOED:	09/28/2002

SUMMARY:

This bill requires an assessment of a pupil's mastery of academic content, measured by the State Standards Test appropriate to the pupil's age or grade, before the reclassification of the pupil from English learner to proficient in English.

GOVERNOR'S VETO MESSAGE:

"This bill would add new requirements on local education agencies and the State related to pupils of limited English language proficiency. The bill would change the criteria for reclassifying English learner pupils as English proficient. I believe that English literacy reclassification should continue to be based solely on student's English proficiency. With respect to instructional materials, the State Board of Education is already adopting instructional materials for English language arts and English language development that respond to the needs of English learners. Furthermore, development and purchase of separate materials would entail substantial costs beyond the State's current resources.

Finally, I have concerns that the bill would threaten the credibility of the state's accountability system for schools. While I agree with the bill's intent to promote improved academic performance among English learners, the bill's proposal to compare year-to-year growth in the Academic Performance Index scores for English learners does not consider changes in the English learner population due to literacy reclassification, and thus would not measure and reward schools for actual improvement in pupil performance. Also and very importantly this measure according to the Department of Finance, would result in hundreds of millions of additional

dollars for new instructional materials. For those reasons, I cannot support this measure."

AB 822	AUTHOR:	Shelley
	TITLE:	Public Records: Disclosure
	INTRODUCED:	02/22/2001
	VETOED:	09/30/2002

SUMMARY:

This bill revises the California Public Records Act to create a new procedure for appealing the denial of a public record request (in addition to court action available under current law). The new procedure allows the Attorney General to review denials. The bill also provides a fine of not more than \$100 per day, up to a maximum of \$10,000, for each day that access to a public record is delayed.

GOVERNOR'S VETO MESSAGE:

"This bill would impose new procedures requiring the Attorney General to issue an opinion on the validity of requests for records under the Public Records Act. The Attorney General would be required to compile and publish such opinions annually. The Department of Finance estimates additional costs of \$1 million annually plus additional positions to the Department of Justice at a time when the Legislature has directed that we eliminate 7,000 positions.

Because the Attorney General is the attorney for most State agencies and advises agencies on responding to such requests, AB 822 would create an inherent conflict of interest. I vetoed similar proposals in 1999 and 2000. AB 822 suffers the same problems.

Additionally, the proponents of AB 822 fail to establish the need for such procedures. In response to similar legislation in 2000, SB 2027, I directed the State and Consumer Services Agency to review the performance of all State departments in responding to Public Record Act requests. The Agency's review found that State departments are responding timely and there is very little litigation challenging their responses.

The State and Consumer Services Agency's review thus found no need for the disruptive and costly procedures proposed by AB 822. However, the Agency made several recommendations to improve the State's response to Public Record Act requests, such as establishing uniform guidelines for reviewing requests and providing updated training materials. Such steps are all the more important to assure appropriate review of sensitive materials following September 11. Accordingly, I am directing the Secretary of the State and Consumer Services Administration and other

appropriate parties to implement the Agency's recommendations as soon as possible."

AB 1309	AUTHOR:	Goldberg
Ethnicity	TITLE:	Employment: Reports on Gender and
	INTRODUCED:	02/23/2001
	VETOED:	09/30/2002

SUMMARY:

This bill requires certain employers, labor organizations and apprenticeship programs to annually file prescribed reports breaking down the composition of their workforce by gender and ethnicity and job classification.

GOVERNOR'S VETO MESSAGE:

"This bill would require certain employers, labor unions and apprenticeship programs to file annual workforce composition reports with the Department of Fair Employment and Housing (DREH).

Although the bill has merit, it requires an employer to submit specific information on the race, sex, and job classifications of its workforce but does not provide for the confidentiality of these records. Similar information reported under federal requirements is kept confidential. Unfortunately, this bill does not contain that same protection.

In addition, given the fiscal problems facing our state and the budget reductions imposed by the Legislature, I cannot sign a measure that will increase the workload for the DFEH when they are making every effort to focus their limited resources on investigating allegations of discrimination and civil rights violations."

AB 1462	AUTHOR:	Nakano
	TITLE:	Teacher Training
	INTRODUCED:	02/23/2001
	VETOED:	09/29/2002

SUMMARY:

This bill requires the Superintendent of Public Instruction to convene a committee of experts to determine programs and processes to increase the number and improve the quality of career technical education teachers. The bill requires an independent study to be completed that contains comprehensive data and requires a final report to be submitted to the Legislature.

GOVERNOR'S VETO MESSAGE:

"This bill would require the Superintendent of Public Instruction (SPI) to convene a 15-member committee of experts to develop guidelines and topics needed for conducting an independent study to determine programs and processes that will increase the number of, and improve the quality of, career technical education teachers.

While the study deserves merit, this bill fails to provide the State Board of Education with the opportunity to modify the parameters of questions that would be developed by the advisory committee created by this bill. I believe this bill misses an important step by not allowing the State Board to balance the desires of the committee with current policy direction and the needs of all students.

I continue to support the need to provide high quality instruction and professional development to California's teachers. However, as the federal regulations for No Child Left Behind are not finalized, this bill is premature. In light of the State's current fiscal condition, I believe it is important to focus available funds on programs that have already been determined to be beneficial to our students in meeting their core academic needs. Therefore, I am unable to support this bill, which could direct funds away from these programs."

AB 1794	AUTHOR:	Chavez
	TITLE:	High School Exit Examination
	INTRODUCED:	01/15/2002
	VETOED:	09/26/2002

SUMMARY:

This bill authorizes a school district that offers adult education to offer a program, course, or class of supplemental instruction in preparation for the high school exit examination exclusively to persons who complete grade 11 and fail the high school exit examination.

GOVERNOR'S VETO MESSAGE:

"This bill would:

Authorize an adult education program to offer supplemental instruction in preparation for the California high school exit examination (CAHSEE), notwithstanding any other provision of law, exclusively to a person who completed grade 11, and be reimbursed for instruction hours through the supplemental instruction program currently provided for pupils enrolled in grade 7 through 12.

Authorize reimbursements from supplemental instruction entitlements for pupil hours attributable to any adult or high school student enrolled in supplemental instruction in preparation for the CAHSEE. It is unclear whether the reimbursement could be claimed by the adult education program or the regular K-12 district.

Increase the percent of adult education funds that could be provided for alternative methods of delivery, such as distance education and independent study from 5 percent to 10 percent.

Require that any pupil who successfully passes the CAHSEE after completing grade 12 be eligible for a regular high school diploma.

I am concerned that this bill would create Proposition 98 General Fund costs in the tens of millions of dollars annually by allowing Adult Education programs to receive funding provided to the Supplemental Instruction Program. Furthermore, it appears that adult education programs would be authorized to receive both adult education funds and supplemental instruction funds for any adult, as well as grade 12 students enrolled in adult education courses designated as CAHSEE preparation. Such an incentive of double funding for the same student could lead to districts redefining related existing courses as CAHSEE preparation to gain additional funding for courses that they already provide.

Furthermore, by authorizing grade 11 completers to enroll in adult education programs for CAHSEE preparation notwithstanding any other provision of law, this bill appears to waive existing laws that cap the level of concurrently enrolled and funded high school students in adult education programs. This change would erode adult education reforms of the early 1990s, further increasing state costs per student.

I would also note that by increasing the percentage of adult education funds that could be delivered through alternative instructional methods, this bill is inconsistent with recent policies governing independent study to reduce funding and discourage its expansion. I am not aware of any evidence demonstrating that alternative methods of delivering instruction are more effective than classroom instruction and therefore believe that the existing five percent cap is warranted. For these reasons I am unable to support this measure."

AB 1820	AUTHOR:	Strom-Martin
	TITLE:	Workers Compensation: Firefighters
	INTRODUCED:	01/17/2002
	VETOED:	09/29/2002

SUMMARY:

This bill expands the scope of existing provisions governing Workers' Compensation for full-time salaried firefighters to cover cases of tuberculosis and in the case of local firefighters, meningitis. The bill expands the scope of these provisions to include individuals who are volunteers or are employed on a partly paid basis.

GOVERNOR'S VETO MESSAGE:

"I greatly appreciate the enormous contribution made by volunteer and partially paid firefighters. In the best of all worlds, I would sign this measure, but given the difficult economic times we are experiencing, I unfortunately cannot do so.

I recently signed legislation greatly enhancing worker's compensation and unemployment insurance benefits for all injured and disabled workers. In a better economy, I would be open to an appropriately drafted bill."

AB 1877	AUTHOR:	Maldonado
	TITLE:	Turning Point Academy
	INTRODUCED:	02/04/2002
	VETOED:	09/29/2002

SUMMARY:

This bill authorizes the Grizzly Youth Academy to use the Turning Point Academy facilities.

GOVERNOR'S VETO MESSAGE:

"This bill grants the Grizzly Challenge Youth Academy the right to use National Guard facilities that were built or purchased for Turning Point Academy, closed in August 2002. The Adjutant General currently has the authority and flexibility to make decisions regarding the use of National Guard facilities and resources. The Military Department's current plan designates these facilities for use by the California National Guard Youth Program's to serve both the Grizzly Challenge Program and the Angel Gate Academy Program. These two very successful programs currently serve over 200 at-risk youth.

Prioritizing the use of these seventeen buildings for one specific program may impair the administrative and operational capabilities of the Adjutant General and the Military Department and could weaken the capability of the Military Department to meet the needs of all the youth they serve."

AB 1942	AUTHOR:	Chu
	TITLE:	Minors: Youth Anti Bias Pilot Program

INTRODUCED: 02/14/2002
VETOED: 09/29/2002

SUMMARY:

This bill requires the Board of Corrections to establish and administer the Youth Anti-Bias Pilot Program to be funded by a grant. The bill requires the consideration of the county's population and incidents of hate or bias crimes in awarding grants and provides the program is a collaboration between county law enforcement, middle schools and nonprofit community organizations to develop a anti-bias program for specified individuals.

GOVERNOR'S VETO MESSAGE:

"This bill would require the Board of Corrections to establish and administer a Youth Anti-bias Pilot Program that would administer a \$142,500 General Fund grant to reduce the incidence of hate crimes by youthful offenders.

While I support the goal of this bill, there are existing revenues available to establish juvenile prevention programs through the Juvenile Justice Crime Prevention Act. This bill would result in a General Fund pressure to fund a new program similar to juvenile crime prevention programs that currently exist. Two examples are the Crime and Violence Prevention Center which creates and promotes policies and strategies for law enforcement and communities to stop hate crimes, and the Safe From the Start Program, which works to educate local policymakers and community leaders to build or strengthen existing local violence prevention efforts. For these reasons, I am unable to sign this measure."

AB 2001 AUTHOR: Diaz
 TITLE: Ethnic Studies
 INTRODUCED: 02/15/2002
 VETOED: 09/18/2002

SUMMARY:

This bill requires the Curriculum Development and Supplemental Materials Commission within the Department of Education to identify model programs, standards, and curricula relating to ethnic studies at the high school level. The bill requires the commission to submit a report to the Governor and Legislature and to make the report available on the department's Internet Web site.

GOVERNOR'S VETO MESSAGE:

"This bill would require the Curriculum Development and Supplemental Materials Commission to (a) examine high school ethnic studies, (b) identify ways to train teachers to work effectively with diverse pupils and

encourage respect for diversity in the classroom, and (c) submit a report with specified information (including recommendations for establishing a new ethnic studies course at the high school level) by January 1, 2004.

While I support encouraging respect for diversity and educating children about the impact of California's different ethnic groups, this bill is duplicative of existing efforts. Current law specifically requires instruction about various ethnic groups and existing teacher training programs already train teachers in how to work with pupils from diverse backgrounds. In addition, existing state academic content standards and curriculum frameworks include substantial discussion of the history and contributions of various ethnic groups, and how to implement programs teaching this information."

AB 2258	AUTHOR:	Cardenas
	TITLE:	Youth Authority: Evaluation
	INTRODUCED:	02/20/2002
	VETOED:	09/29/2002

SUMMARY:

This bill would require the Department of the Youth Authority (CYA) to conduct an evaluation of the number of persons who have been released to parole or discharged by CYA within the 10-year period prior to January 1, 2003, and who have been recommitted to the jurisdiction of CYA, or sentenced to a county jail or the Department of Corrections (CDC). The evaluation must be submitted to the Legislature on or before January 2, 2004, and must include specified information.

GOVERNOR'S VETO MESSAGE:

"This bill would require the Department of the Youth Authority (CYA) to conduct an evaluation of the number of persons who have been released to parole or discharged by CYA within a 10-year period, and who have been recommitted to the jurisdiction of CYA or sentenced to a county jail or the Department of Corrections (CDC). The evaluation must be submitted to the Legislature by January 2, 2004.

While I recognize the importance of attempting to understand the impact of our criminal justice system, particularly on juvenile offenders, this bill would incur substantial costs of potentially \$407,000 that are not included in the 2002/03 Budget Act.

It would be unfair to ask CYA to bear these costs at a time when they are being asked to face the task of adjusting their budget to meet the current fiscal challenges, while at the same time continuing to provide services for offenders under their jurisdiction. I encourage the author to work with

CYA to fashion a bill that can be implemented within CYA's current budget."

AB 2268	AUTHOR:	Horton
	TITLE:	Dismissed State Employees
	INTRODUCED:	02/20/2002
	VETOED:	09/30/2002

SUMMARY:

This bill requires each state agency to establish a pool of supervisory/managerial employees who are available to review an employee's adverse action. These persons, known as "Skelly Officers," cannot work in the same agency as the disciplined employee.

GOVERNOR'S VETO MESSAGE:

"I am returning Assembly Bill 2268 without my signature. I value the hard work of every employee in State Government and I strongly support the rights of California's state employees to fair and speedy review of disciplinary appeals. However, rather than assist state employees, this bill would add time and confusion to the already lengthy state disciplinary process.

I believe that State employees are already guaranteed a fair hearing for their disciplinary appeals at the State Personnel Board. By requiring a Skelly officer from another State department to hold a hearing on imposed discipline and issue written findings, all prior to SPB involvement, this bill adds further delay and uncertainty to the process.

For these reasons I must veto this bill. However, I am directing all department Directors to review those procedures, and if they feel an appointee from another Agency holding the Skelly hearing is more appropriate, they should see to it that such a process is followed."

AB 2438	AUTHOR:	Diaz
	TITLE:	State Employer-Employee Relations
	INTRODUCED:	02/21/2002
	VETOED:	09/29/2002

SUMMARY:

This bill requires that employees in State Bargaining Unit 12, Crafts and Maintenance, which includes maintenance workers for the Department of Transportation, receive prevailing wages that are not less than those received by their counterparts in California's larger local agencies.

GOVERNOR'S VETO MESSAGE:

"Salaries for State collective bargaining units are established through good faith negotiations between the State and the employees' exclusive representatives. Mandating "prevailing wage parity" usurps the collective bargaining process and removes the State employer's ability to negotiate future salaries. By mandating parity with the prevailing wages of employees in jurisdictions over which the State does not exercise control, this bill would effectively remove the fiscal control that is exercised by the Governor and the Legislature over State salaries. It is estimated that it will cost the State between \$40 million and \$124 million to achieve the parity mandated by this bill during a period when the state is striving to reduce expenditures."

AB 2529	AUTHOR:	Negrete McLeod
	TITLE:	Hepatitis C
	INTRODUCED:	02/21/2002
	VETOED:	09/29/2002

SUMMARY:

This bill requires the Director of Corrections to provide free, confidential treatment and testing for hepatitis C to inmates in state prisons and requires the Director to provide comprehensive education on hepatitis C for all inmates.

GOVERNOR'S VETO MESSAGE:

"Currently the California Department of Corrections (CDC) has existing programs aimed at providing information to inmates about hepatitis C. For example, when an inmate enters the CDC's Reception Centers they are provided with an orientation program aimed at providing an overview of prison life. The intake process includes videotaped materials, classroom lectures, and printed materials. The subject of communicable diseases, including hepatitis C, is covered in the orientation program. The CDC also has an inmate Peer Education Program at most prisons which provides a presentation focused specifically on high-risk behaviors, communicable disease, and blood borne pathogens. In addition, any inmate who wishes to be tested for hepatitis C may do so at any time.

The CDC has existing programs that achieve the objectives of AB 2529, although perhaps not as comprehensively as envisioned by the bill. The goals of this bill are laudable, but would lead to significant General Fund Budget pressures to achieve them. I must return AB 2529 at this time since the State cannot now provide the additional resources to expand these existing programs."

AB 2575	AUTHOR:	Leach
	TITLE:	Teacher Credentialing

INTRODUCED: 02/21/2002
VETOED: 09/29/2002

SUMMARY:

This bill permits the subject matter requirement for a single subject teaching credential to also be satisfied by obtaining approval of an approved evaluation agency of the candidate's undergraduate course work and graduate degree from a regionally accredited institution of higher education in the subject or in a closely related subject.

GOVERNOR'S VETO MESSAGE:

"This bill is inconsistent with federal law, which requires that new elementary teachers pass a "rigorous State test" on subject knowledge and teaching skills."

AB 2600	AUTHOR:	Pavley	
	TITLE:	High School Exit Examination: Assessment	
	INTRODUCED:	02/21/2002	URGENCY
	VETOED:	09/26/2002	

SUMMARY:

This bill requires the Superintendent of Public Instruction and the advisory committee established by this bill to develop guidelines regarding the method and content of alternate assessments to the high school exit examination for those individuals with disabilities who cannot participate in the examination regardless of accommodation or modification.

GOVERNOR'S VETO MESSAGE:

"This bill would require the Superintendent of Public Instruction and an associated advisory committee to develop a guideline regarding the method and content of an assessment alternative to the high school exit examination (HSEE) for individuals with exceptional needs who cannot participate in the examination regardless of accommodations or modifications. The State Board of Education (SBE) would be required to adopt the standards effective for the 2003/04 school year.

These assessments are now required to come into compliance with the federal No Child Left Behind Act. Detailed federal guidelines for this purpose are expected to be provided to states soon, and the 2002 Budget Act provided \$3.5 million for the State Department of Education to develop alternate assessments aligned with those guidelines for pupils who cannot participate in the HSEE with accommodations or modifications.

In addition, the SBE is already required to study the appropriateness of other criteria by which high school pupils, who are regarded as highly proficient but unable to pass the HSEE, can demonstrate their competency and receive a high school diploma. The SBE is required, if it determines that other criteria are appropriate and do not undermine the intent of the HSEE, to forward its recommendations to the Legislature for enactment.

Finally, this bill would cost \$150,000 in state and \$1 million in federal funds. For these reasons, I am unable to sign this bill."

AB 2604	AUTHOR:	Oropeza
	TITLE:	Teacher Training: Cultural Differences
	INTRODUCED:	02/21/2002
	VETOED:	09/28/2002

SUMMARY:

This bill requires the Research Bureau to contract with an independent evaluator to conduct a study of the availability and effectiveness of cross-cultural professional development programs for teachers and administrators in culturally diverse public schools.

GOVERNOR'S VETO MESSAGE:

"This bill would require the California Research Bureau (CRB), in consultation with the State Department of Education (SDE) and the Commission on Teacher Credentialing (CTC), to contract with an independent evaluator to conduct a study of the availability and effectiveness of the cross-cultural professional development programs for teachers and administrators in culturally diverse schools. The results of the study would be submitted to the Legislature and Governor by July 1, 2004.

I continue to support the need to provide high quality instruction and professional development to California's teachers. However, in light of the State's current fiscal condition, I do not believe it is prudent to invest in a study focused on the past cross cultural training that teachers have received and in a manner which may not produce valid and reliable recommendations. The CTC has already studied past Cross-Cultural, Language and Academic Development (FCLAD) requirements, made any necessary revisions and has developed a new protocol for such training which embeds cultural sensitivity within all courses in teacher preparation programs. Furthermore, this study could be used as the basis for supporting new cross-cultural training programs, which could cost \$100 million Proposition 98 General Fund to establish, at a time when the new requirements have not had the opportunity to demonstrate their efficacy. I believe it is important to first focus available funds on teacher training

programs that have already been determined to be beneficial to our students in meeting their core academic needs. Therefore, I am unable to support this bill, which could direct funds away from these programs."

AB 2607	AUTHOR:	Leach
	TITLE:	Highly Gifted Pupils
	INTRODUCED:	02/21/2002
	VETOED:	09/28/2002

SUMMARY:

This bill allows exceptionally gifted pupils to have their proficiency in basic skills verified by a test administered by the State Department of Education. The bill permits any pupil less than 16 years of age who is awarded a certificate of proficiency to be admitted to a community college only if the community college determines that certain conditions are met.

GOVERNOR'S VETO MESSAGE:

"This bill would allow highly gifted pupils to have their proficiency in basic skills verified according to criteria established by the State Department of Education (SDE) and to receive a certificate of proficiency equivalent to a high school diploma. The basic skills included in the old State proficiency test are not aligned to California standards, therefore these students would not be required to meet the rigorous standards California is requiring for all other students.

Current law already allows the governing board of any school district to authorize pupils to attend a community college as special part-time students and provides for the authorization of a student's attendance at a community college as a special full-time student."

AB 2729	AUTHOR:	Wesson			
	TITLE:	Crime	Victims:	Domestic	Violence
Counseling					
	INTRODUCED:	02/22/2002			
	VETOED:	09/30/2002			

SUMMARY:

This bill authorizes a direct cash payment for domestic violence counseling services provided by a domestic violence peer counselor and revises the limitation on payment for peer counseling services provided by a rape counseling center.

GOVERNOR'S VETO MESSAGE:

"This bill would add domestic violence peer counselors to existing law that provides reimbursement to rape peer counselors and would revise the

reimbursement rate for peer counselors, currently set at \$15/hour, to a rate that would be determined by the Victim Compensation and Government Claims Board (Board).

Although I am supportive in concept, the Board has estimated that this bill could cost the Restitution Fund (Fund) as much as \$4.5 million per year. Specifically, during FY 2001/02 expenditures for the Victim Compensation Program (VCP) exceeded incoming revenue by \$45 million. This is a direct result of the Board's successful efforts to reach out to crime victims and those who provide services to victims. For FY 2002/03 that gap is projected to be approximately \$35 million. Over the past few years, the cash balance reserve in the Restitution Fund has been used to cover the shortfall between revenues and expenditures; however, the reserve will be nearly exhausted by the end of FY 2003/04 if we are not fiscally responsible.

I believe the Board's first priority is to protect existing VCP benefits, and therefore, in light of the current fiscal condition of the Fund, I must oppose any bills expanding participation of "peer counselors" when mental health counseling is already a covered reimbursement."

AB 2752	AUTHOR:	Alquist
	TITLE:	Discrimination Against Injured Workers
	INTRODUCED:	02/25/2002
	VETOED:	09/28/2002

SUMMARY:

This bill provides that it is an unlawful employment practice for an employer to subject an employee to adverse employment action if the employee participates in protected activities including refusal to perform unsafe work.

GOVERNOR'S VETO MESSAGE:

"This bill would expand the protection of workers who experience employment discrimination because they have exercised their rights to report hazardous working conditions or have refused to perform unsafe work.

I greatly appreciate the importance of protecting workers from retaliation when they refuse to perform unsafe work or report dangerous working conditions to their employers or to government agencies and others who share the charge of keeping our workplaces safe and injury-free. There are currently in law significant protections for these workers. Moreover, the measure would reduce the Department of Industrial Relations' ability

to properly enforce those protections. For these reasons, I am returning this bill without my signature."

AB 2759	AUTHOR:	Shelley
	TITLE:	Voter Registration
	INTRODUCED:	02/25/2002
	VETOED:	09/19/2002

SUMMARY:

This bill states the intent of the Legislature to encourage schools that require students to perform community service to consider giving credit for participating in specified election-related events. The bill requires the governing board of each school district that maintains grade 12 to adopt specified procedures for the distribution of voter registration cards to high school seniors in the school district who will be graduating.

GOVERNOR'S VETO MESSAGE:

"This bill would require each school district serving grade 12 to (1) annually request county election officials to furnish schools with a voter registration card for every graduating senior; (2) distribute voter registration cards with each pupil's diploma; (3) establish procedures for handling the cards; and (4) provide a written notice informing students about eligibility and processing. In addition, the bill would encourage schools requiring students to perform community service to allow participation in elections-related events to fulfill those service requirements.

While I support the author's efforts to encourage voter registration among graduating seniors, this bill would impose state-mandated costs on school districts of at least \$500,000. In addition, the Secretary of State currently provides a voting information curriculum to California high schools. Furthermore, I believe student groups or other civic groups should undertake voter registration activities instead of the State mandating this activity.

Because of the unbudgeted costs of this well-intentioned bill, and because of the current fiscal condition of the State, I am unable to sign AB 2759."

AB 2839	AUTHOR:	Kehoe
	TITLE:	State Employees
	INTRODUCED:	02/25/2002
	VETOED:	09/29/2002

SUMMARY:

This bill revises the definition of "meet and confer" for purposes of the Bill of Rights for State Excluded Employees. The bill requires the State to meet and confer with employee organizations representing excluded employees.

GOVERNOR'S VETO MESSAGE:

"Currently, the Department of Personnel Administration (DPA) meets and confers with supervisory organizations and considers their presentations prior to reaching a decision on any matter relating to wages, hours or conditions of employment. Additionally, excluded employees have the right to file grievances up to and including DPA for review and determination.

This bill would dilute the management structure of the State by including managers and confidential employees with supervisors in determining wages, hours, and other terms and conditions of employment. It would also extend arbitration to excluded employees who are responsible for implementing State policy. This could lead to independent arbitrators determining State policy and usurping the Executive and Legislative intent with respect to various regulations and government codes."

AB 2850	AUTHOR:	Firebaugh
	TITLE:	Personal Services Contracts: Legal Services
	INTRODUCED:	02/25/2002
	VETOED:	09/30/2002

SUMMARY:

This bill requires that notice be given by a State agency to the designated representative of State Employees Bargaining Unit 2, the California Attorneys, Administrative Law Judges, Hearing Officers, and Deputy Labor Commissioners in State Employment (CASE), prior to entering into a contract for legal services.

GOVERNOR'S VETO MESSAGE:

"I had hoped to be able to sign this bill. However, it is necessary that there be adequate protection so that providing notice of legal services contracts to State Employees Bargaining Unit 2 does not result in a waiver of the attorney-client, work product or deliberative process privileges. Unfortunately, AB 2850 does not address this satisfactorily.

However, I am directing the Department of Personnel Administration to work with Bargaining Unit 2 to meet and confer so they can enter into a Memorandum of Understanding that addresses the legitimate concerns of both the Bargaining Unit and the State."

AB 2853	AUTHOR:	Diaz
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TITLE: State Employees: Engineers: Salary Parity
INTRODUCED: 02/25/2002
VETOED: 09/30/2002

SUMMARY:

This bill requires that State employees in specified engineering and related classifications shall receive salaries no less than the salaries received by their counterparts in larger local agencies and the University of California based on a specified survey. The bill requires implementation of the increases to be phased in over a three-year period.

GOVERNOR'S VETO MESSAGE:

"I appreciate the critical role professional engineers play in our transportation system, and with \$6 billion in transportation infrastructure projects underway this year – more than any time since Governor Pat Brown's administration – we're counting on these highly trained professionals to get the job done.

However, this proposal would increase state costs by more than \$100 million, including \$11 million in General Fund costs, at a time when the State is dealing with a \$24 billion budget gap. Neither the General Fund nor the Highway Account can afford to absorb the increased costs called for in this legislation until the State's fiscal health improves.

Further, I believe that salaries for State collective bargaining units must be established through good faith negotiations between the State and the employees' exclusive representative. I also recognize the problem of retaining trained professionals in State service when our salaries are not competitive with local government and private industry. Therefore, in negotiating future collective bargaining agreements, I am directing the Department of Personnel Administration to consider salaries paid to employees doing comparable work in other government agencies. Hopefully, State revenues will permit us to address these concerns at future bargaining sessions."

AB 2892 AUTHOR: Horton
TITLE: State Employees: Discrimination Action
INTRODUCED: 02/25/2002
VETOED: 09/28/2002

SUMMARY:

This bill provides that, under the California Civil Service Act, a person's failure to exhaust his or her judicial remedies in an appeal of adverse action before the State Personnel Board or its authorized representative does not preclude a separate or subsequent discrimination action.

GOVERNOR'S VETO MESSAGE:

"This bill would nullify a California Supreme Court decision that requires public employees to exhaust judicial remedies from an adverse administrative finding on a discrimination claim before filing a civil lawsuit arising out of the same claim. It would also nullify an appellate court decision that requires exhaustion of any internal public employer administrative process, as well as the Department of Fair Employment and Housing's administrative process before public employees could file a civil lawsuit against the same claim.

While I fully support the right of employees to a full and fair review of discrimination claims, I do not want to sign a bill that would foster duplicative and conflicting litigation. Such a result runs counter to the State's strong public policy in favor of judicial economy, and serves neither the interests of employees nor their employers."

AB 2905	AUTHOR:	Wright
	TITLE:	Correctional Institutions: HIV
	INTRODUCED:	02/25/2002
	VETOED:	09/29/2002

SUMMARY:

This bill requires HIV testing to be offered without charge by the Department of Corrections to all inmates in State prison and provides that every inmate must be notified regarding the ability to request testing upon commitment to the State prison system.

GOVERNOR'S VETO MESSAGE:

"This bill would require the Department of Corrections (CDC) to offer human immunodeficiency virus (HIV) testing and HIV prevention education to every inmate without charge upon commitment to the state prison system. The measure also requires CDC to report annually to the Department of Health Services and the Legislature on the prevalence of HIV in prison. Currently, inmates are tested for HIV upon their request, when determined to be medically appropriate, or pursuant to Title 8 of the Penal Code (commencing with Section 7500) following a gassing incident. Additionally, CDC's Inmate Peer Education Program, currently implemented at 24 institutions, provides inmates with current health information and education regarding HIV, as well as other health issues regarding infectious diseases and high-risk behaviors.

I am vetoing this bill since it would result in a new General Fund cost to fund additional health information and education programs at all 33 CDC institutions at a time when the state is facing a difficult financial situation."

AB 2922	AUTHOR:	Simitian
	TITLE:	Personal Information: State Agency Records
	INTRODUCED:	02/25/2002
	VETOED:	09/30/2002

SUMMARY:

This bill requires the Office of Privacy Protection (OPP), Department of Consumer Affairs, to create a State Personal Inventory for access by the public. The bill would require each state agency to provide a description of general categories of records containing personal information contained in its system of records to OPP no later than January 1, 2004, and each year thereafter, for inclusion in the inventory.

GOVERNOR'S VETO MESSAGE:

"AB 2922 requires state agencies to provide to the Office of Privacy Protection (OPP) descriptions of the categories of personal information contained in their systems of records, and requires the OPP to create the State Personal Information Inventory.

While I support the goals of this bill, I am concerned about the potential costs to State agencies to comply with the provisions of this bill. For example, the Department of Health Services alone estimates complying with this bill would cost almost \$4.4 million. At a time of a \$24 billion budget deficit, and when the Legislature has asked agencies to reduce budgets by 20 percent, I cannot sign this bill."

AB 2990	AUTHOR:	Committee on Labor and Employment
	TITLE:	Employment: Retaliation
	INTRODUCED:	03/04/2002
	VETOED:	09/28/2002

SUMMARY:

This bill creates a rebuttable presumption affecting the specified burden of proof when an employer discharges, demotes, suspends, or reduces the hours of work or pay of an employee within 90 days after the employee has exercised his or her rights under the Labor Code, except where there is a bona fide seasonal layoff or reduction in force.

GOVERNOR'S VETO MESSAGE:

"This bill would only aggravate a practice by some employees, who, upon learning they are being investigated for misconduct, report groundless allegations of misconduct by their supervisors or co-workers. The purpose of fabricating a prophylactic retaliation claim is to forestall the employer from bringing an adverse action. This practice by disgruntled employees

will have a chilling effect on a supervisor's willingness to legitimately discipline problem employees.

AB 2990 creates a significant, irreconcilable conflict with the burden of proof and presumption of innocence in criminal proceedings. This bill provides that those violations of Labor Code Section 98.6(b) may be punished as a misdemeanor. The presumption of retaliation created by this bill conflicts with the constitutional presumption of innocence to which every criminal defendant is entitled."

SB 43	AUTHOR:	Polanco
	TITLE:	State Civil Service Employment
	INTRODUCED:	12/05/2000
	VETOED:	9/29/2002

SUMMARY:

This bill establishes the State Civil Service Equal Employment Opportunity Program and assigns to the State Personnel Board the responsibility for providing statewide program leadership, coordination, monitoring and enforcement of the program, and makes various other changes intended to ensure equal employment opportunity in State government.

GOVERNOR'S VETO MESSAGE:

"This bill would establish the State Civil Service Equal Employment Opportunity Program (EEO), to be administered by the State Personnel Board (SPB), whose staff would be responsible for providing statewide program leadership, coordination, monitoring and enforcement. This bill would also place new requirements on all State agencies to conduct studies and implement EEO programs.

I strongly support EEO programs for all State civil service employees and believe that the State of California is a leader in ensuring fair employment practices are in place to protect its State employee workforce. However, this bill would establish a new statewide EEO Program and add requirements that would increase workload for all State agencies at a time when all State agency resources are stretched thin by a hiring freeze and staffing reductions. Moreover, these additional requirements come at a time when the Legislature has asked the Administration to reduce 7,000 positions in this current year."

SB 360	AUTHOR:	Machado
	TITLE:	State Employees: Wages
	INTRODUCED:	02/21/2001
	VETOED:	09/28/2002

SUMMARY:

This bill requires that wages earned by State employees be paid on regularly designated paydays, and wages earned by State employees performed in excess of the normal work period be paid no later than the next payroll period.

GOVERNOR'S VETO MESSAGE:

"The Administration strongly believes that State employees should be paid on a timely basis, and we have worked diligently with the State Controller to accomplish that.

This bill is unnecessary. Federal law (Fair Labor Standards Act) already provides for the payment of wages, including overtime, prior to the following pay period. The State is also subject to Labor Code Section 207, which requires regular pay days."

SB 631	AUTHOR:	Polanco		
	TITLE:	Postsecondary	Education:	Reciprocal
Program				
	INTRODUCED:	02/22/2001		
	VETOED:	09/29/2002		

SUMMARY:

This bill expresses the intent of the Legislature to enact legislation establishing a reciprocal program that would enable 1,000 California residents to attend postsecondary institutions in Mexico and 1,000 Mexican residents to attend postsecondary institutions in California.

GOVERNOR'S VETO MESSAGE:

"This bill would require the California Postsecondary Education Commission (CPEC) to develop a proposal for an international student exchange program between California and Mexico. This program would include provisions to exempt participating students from paying nonresident tuition and to allow them to participate in financial assistance programs available to local students. The bill would also appropriate \$75,000 General Fund for CPEC to develop the proposal.

Although I am very supportive of programs that encourage cooperation and assistance between Mexico and California, I cannot support these provisions that will create additional annual costs in excess of \$1 million and duplicate existing student exchange programs given our current General Fund situation.

Furthermore, CSU already has statutory authority to waive tuition for nonresident students who are citizens and residents of a foreign country.

UC also has broad constitutional autonomy to create similar programs, if so desired. I encourage both UC and CSU to actively engage in these types of exchanges already authorized under current law."

SB 987	AUTHOR:	Escutia
	TITLE:	Dymally-Alatorre Bilingual Services Act
	INTRODUCED:	02/23/2001
	VETOED:	09/30/2002

SUMMARY:

This bill makes numerous changes to the Dymally-Alatorre Bilingual Services Act (the Act). The bill requires every State agency to conduct an assessment and develop an implementation plan for complying with the requirements of the Act, starting in 2003 and in every even-numbered year thereafter.

GOVERNOR'S VETO MESSAGE:

"This bill would expand the authority of the State Personnel Board to ensure compliance by State agencies with the Dymally-Alatorre Bilingual Services Act of 1973 (Act). The bill would expand the Act's definition of a "substantial number" of non-English speaking people and would require State agencies to provide additional translated written materials. This bill would also require additional information to be included in each agency's biannual survey of compliance with the Act, and would require agencies to develop implementation plans, as specified.

While I support the intent of this legislation, I cannot ask State agencies to absorb the implementation costs of this bill at this time. Additionally, because of the State's fiscal situation, the funds are not available from the General Fund or Special Funds to augment the departments' budgets for the purposes of this bill.

However, I believe that government has an obligation to meet the changing needs of its citizenry. Our State offices must be able to serve Californians whose primary language is not English. With that in mind, I am directing the State agencies to phase in policies, as time and resources permit, that contain the spirit and intent of this legislation."

SB 1362	AUTHOR:	Karnette
	TITLE:	Female Inmates Family Visitation
	INTRODUCED:	02/06/2002
	VETOED:	09/29/2002

SUMMARY:

This bill requires the Department of Corrections to establish a pilot project at specified women's correctional facilities to allow women who have not had a release date set access to the same visiting opportunities as women who have a release date, for purposes of visiting with their children under 21 years of age and the female relatives who accompany the children.

GOVERNOR'S VETO MESSAGE:

"This bill would establish a pilot program to allow female life term inmates currently housed at the four institutions for female inmates, who do not have release dates established by the Board of Prison Terms, access to the family visiting program, under the restrictions and guidelines established for those who are currently eligible to participate in this program.

Life term inmates without an established release date are deemed to be of a security risk not conducive to family visits which are not subject to constant custodial supervision. Additionally, most departmental visiting rules are gender neutral. To establish a law to allow for such visits is not consistent with appropriate custodial management and may violate the U.S. Constitution's Equal Protection clause as it would exclude similarly situated male inmates. A pilot program to propose such a law may not negate the equal protection concerns of such a program.

While I am cognizant of and concerned with the importance of maintaining family ties within the community for individuals incarcerated within our correctional system, I am equally concerned about the appropriate and secure methods for pursuing this objective.

In 2001, I vetoed SB 700, virtually identical to this measure. As there has been no additional information provided by this bill that was not considered in the previous Legislative session, I am returning this bill unsigned."

SB 1466	AUTHOR:	Alarcon
	TITLE:	Contracts for Labor or Services
	INTRODUCED:	02/15/2002
	VETOED:	09/29/2002

SUMMARY:

This bill provides that any person or entity who enters into a labor contract for construction, farm labor, garment, janitorial or security guard services, knowing that the contract does not provide funds sufficient to allow the labor contractor to comply with all applicable laws or regulations governing the labor or services to be provided, is subject to liability and civil penalties.

GOVERNOR'S VETO MESSAGE:

"This bill provides that any person or entity that enters into a contract for labor or services for construction, farm labor, garment manufacturing, janitorial services, or security guard services, that knows or should know that the contract does not provide sufficient funds to comply with various local, state, and federal labor laws, violates state law.

Over the last 4 years I have signed several bills in an effort to protect California's most vulnerable workers including: 1) AB 633 (Steinberg 1999) Garment Industry enforcement; 2) AB 423 (Hertzberg 2001) Farmworker Contractor Labor Standards; 3) AB 471 (Hertzberg 2001) Regulations and Arbitration for Backstretch Workers; and 4) SB 20 (Alarcon 2001) Displaced Janitor Protections. I also recently signed SB 1241 (Figueroa 2002) which will expedite the registration process for private security guards.

All of these measures provide specific benefits and protections and we need to give those laws time to work. For these reasons, I must veto this measure."

SB 1539	AUTHOR:	Committee on Public Employment
	TITLE:	Retirement Benefits
	INTRODUCED:	02/20/2002
	VETOED:	09/30/2002

SUMMARY:

This bill provides that the amount of compensation used to compute benefits for specified members of the Legislator's Retirement System cannot exceed the limitations placed upon retirement systems by specified provisions of the federal Internal Revenue Code.

GOVERNOR'S VETO MESSAGE:

"This bill makes many technical and clarifying changes to the California Public Employees' Retirement Law, the Judges' Retirement Law, the Judges' Retirement System II Law, the Volunteer Firefighters' Length of Service Award System and the Legislators' Retirement System. In addition to these changes, the bill contains issues that should be considered not only on the basis of their administrative impact but also for their policy impact.

In particular, Section 25 of the bill requires that when a State employee's contribution rate is reduced, funds will be transferred without the consent or agreement of the employer.

I want to assure State retirees that their retirement benefits will continue without interruption or reduction. I would be willing to reconsider the technical changes contained in this bill next year."

SB 1544	AUTHOR:	Karnette
	TITLE:	Foreign Prisoners
	INTRODUCED:	02/20/2002
	VETOED:	09/29/2002

SUMMARY:

This bill makes findings and declarations of the Legislature in regard to the transfer of foreign prisoners pursuant to various international treaties, including the 1983 Council of Europe Convention on the Transfer of Sentenced Persons. The bill sets forth conditions for the transfer of foreign prisoners by the Board of Prison Terms and circumstances requiring the board to transfer foreign prisoners.

GOVERNOR'S VETO MESSAGE:

"This bill would require the Board of Prison Terms to institute a new process for the transfer of foreign prisoners to their home countries. The Board of Prison Terms currently has a process for the return of these prisoners that requires the receiving country to state the intended duration of the prisoner's sentence.

This bill would weaken this current requirement by only requiring the receiving country to agree that prisoners, including those convicted of violent offenses, serve to their minimum eligible parole date for those with indeterminate sentences. For prisoners with determinate sentences, the country would only have to agree to the earliest possible release date.

I support returning foreign prisoners to their country of origin where appropriate, but not where such prisoners will serve less time than the length of sentence they would have served if they remained in California."

SB 1665	AUTHOR:	Polanco
	TITLE:	Pupils: English Learners
	INTRODUCED:	02/21/2002
	VETOED:	09/28/2002

SUMMARY:

This bill makes legislative findings and declarations regarding limited-English-proficient pupils and states the intent of the Legislature to integrate and restate the most basic protections in state and federal law for these pupils and their parents and to ensure sustained achievement for these

pupils in the public schools. The bill requires the demonstration of comparable improvement in academic achievement by certain subgroups of English learners.

GOVERNOR'S VETO MESSAGE:

"This bill would add new requirements on local education agencies and the State related to English learners. These requirements could generate costs potentially exceeding \$100 million for local education agencies at a time when the State has faced a \$24 billion shortfall.

In terms of instructional materials, the State continues to recognize the needs of English learners through the development of instructional materials for English language arts/English language development for all students and the adoption of English language development standards. This bill would create separate expectations for instruction of English learners, which are inconsistent with current state policies governing English language immersion instruction. The creation of separate expectations for English learners would jeopardize the cohesiveness of the current system, which sets forth rigorous academic standards that all children must meet."

SB 1713	AUTHOR:	Peace
	TITLE:	Employee Disability Benefits
	INTRODUCED:	02/21/2002
	VETOED:	08/27/2002

SUMMARY:

This bill declares the intent of the Legislature to enact legislation to extend disability and leave of absence benefits to employees of the: 1) Youth and Adult Correctional Agency (YACA) who become disabled by injury or illness arising out of and in the course of their employment; and 2) State Department of Mental Health (DMH) who are assigned to a correctional facility, have peace officer status, and who become disabled by injury or illness arising out of and in the course of their employment.

GOVERNOR'S VETO MESSAGE:

"This bill declares legislative intent to enact legislation to extend disability and leave of absence benefits to peace officer employees of the Youth and Adult Correctional Agency and peace officer employees of the State Department of Mental Health who are assigned to a correctional facility.

While this bill only contains intent language, implementing its provisions would have a fiscal impact of \$8.5 million annually, for the Department of

Corrections alone. Given our revenue shortfall, we cannot afford at this time the additional General Fund spending needed to implement this bill."

SB 1791	AUTHOR:	Karnette
	TITLE:	Office of the Inspector General
	INTRODUCED:	02/22/2002
	VETOED:	09/30/2002

SUMMARY:

This bill makes the audit reports conducted by the Office of the Inspector General (OIG) public. The bill also requires the OIG to provide summary information on completed investigations to specified persons.

GOVERNOR'S VETO MESSAGE:

"This bill requires the Office of the Inspector General (OIG) to make public any audit. It also requires, upon completion of any investigation, that a summary of the report's findings or conclusions be made available to certain persons. There are only limited provisions for maintaining the confidentiality of certain sensitive matters.

The OIG has rendered valuable assistance with the preparation of candid, thorough audits and reports. I am concerned that this bill may have the unintended consequence of constraining the OIG's willingness and ability to render a complete report. In addition, it presents a risk of the diversion of resources to litigation. For these reasons, I am returning this bill unsigned."

SB 1793	AUTHOR:	Burton
	TITLE:	Youthful Offender Parole Board
	INTRODUCED:	02/22/2002
	VETOED:	09/30/2002

SUMMARY:

This bill: 1) provides that the juvenile court, rather than the Youthful Offender Parole Board (YOPB), shall set a ward's parole consideration date (PCD); 2) allows the juvenile court to recommend treatment programs for wards committed to the Department of the Youth Authority (CYA); 3) requires CYA to provide the court with a ward's initial treatment plan and yearly updates; 4) clarifies existing law regarding the court's ability to recall a ward's commitment from CYA; and 4) requires YOPB to provide a yearly report to the Legislature on PCD statistics.

GOVERNOR'S VETO MESSAGE:

"This bill would amend existing law by transferring the authority to set initial parole consideration dates from the Youthful Offender Parole Board

(YOPB) to the juvenile courts. This bill would also require the Department of the Youth Authority to provide information to the juvenile court and probation department regarding treatment plans for wards, along with annual progress reports on those wards. Finally, the bill would require the YOPB to report to the Legislature on an annual basis regarding statistics on parole consideration hearings.

While I welcome the author's goal to improve our juvenile justice system, I believe this bill misses the mark. Currently, juveniles committed to the Department of the Youth Authority undergo extensive clinical assessments before decisions are made regarding the appropriate parole consideration date for a ward, as well as the treatment programs necessary for the ward to make a successful transition back into society. Under this bill, courts would be required to set parole consideration dates and would be allowed to recommend treatment prior to commitment to the Department, without the beneficial and necessary information contained in the clinical assessment.

In addition, I am concerned about the possible inequities this bill could create for wards committed to the Department for similar crimes. Currently, the Youthful Offender Parole Board is guided by regulations, which ensure that wards committed to the Department for similar crimes receive similar parole consideration dates. Because the courts are not bound to follow administrative regulations promulgated to guide the Executive Branch, wards throughout the state convicted of similar crimes may have inappropriately different parole consideration dates imposed. This potential inequity in California's juvenile justice system is unacceptable. Finally, I am concerned about the burden this additional workload could place on our juvenile courts and probation departments in these times of scarce resources.

Under my direction, the Department of the Youth Authority and the Youthful Offender Parole Board are making systemwide improvements including the establishment of a workgroup to: 1) Develop a standardized screening, assessment and classification process to accurately identify ward treatment needs and the appropriate level of care; 2) Develop an individualized treatment plan format to assist with providing accurate and timely information for YOPB review; 3) Review existing Youth Authority treatment services to determine the most effective treatment strategies and eliminate duplicative or less effective programs; 4) Develop outcome and performance measures for treatment services and 5) Develop compliance and monitoring tools. The workgroup will provide a first draft of recommendations to the Youth Authority in October.

It is also the goal of the Youth Authority to send an annual report on the progress of each ward to the ward's county of commitment. The Youth Authority is currently exploring the legal issues raised by any release of confidential information pertaining to the wards.

I believe these improvements will accomplish many of the objectives sought by the author and other stakeholders in the juvenile justice system."